

THE
Ancient and Present STATE
OF THE
UNIVERSITY
OF
OXFORD.

CONTAINING

- I. An Account of its Antiquity, past Government, and Sufferings from the *Danes*, and other People, both Foreign and Domestick.
- II. An Account of its Colleges, Halls and Publick Buildings; of their Founders and especial Benefactors; the Laws, Statutes and Privileges relating thereunto in General; and of their Visitors and their Power, &c.
- III. An Account of the Laws, Statutes and Privileges of the University, and such of the Laws of the Realm which do any wise concern the same; together with an Abstract of several Royal Grants and Charters given to the said University, and the Sense and Opinion of the Lawyers thereupon.

To which is added,

The Method of Proceeding in the *Chancellor's* Court. With an *APPENDIX* and *INDEX* to the Whole.

By *JOHN ATLIFFE*, L. L. D. and
Fellow of *New-College*, in *Oxford*.

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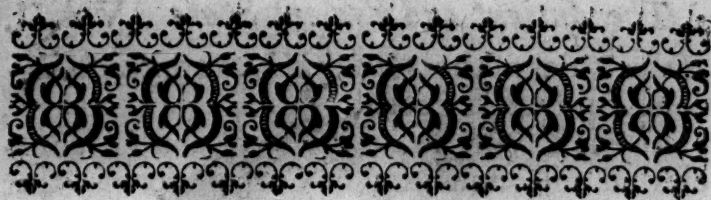
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IV. The Method of Proceeding in the Church of England, with an APPENDIX and INDEX to the Whole.

BY JOHN ATTER, LL.D. and
Fellow of New-College, in Oxford.

VOL. II.

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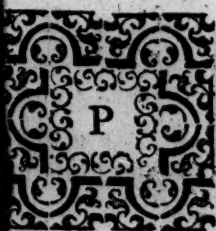


THE
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PART II.

CHAP. II.

*Of the Laws, Statutes and Privileges,
relating to Colleges in general, &c.*



PASSING from the Historical Account, which I have given of Colleges, Halls, and Publick Buildings, &c. I proceed, in the next place, to treat of the Laws, Statutes of the Realm, and Privileges relating thereunto in general: And herein I shall follow the Doctrine of the *Civil* and *Canon* Laws, as well

as the Rules of the *Municipal* Laws of this Kingdom, in some respect.

In the Civil Law, the Fourth and Last Species of a Community or Corporation is, that which the *Civilians* call *Simplex Collegium*; and it is so called, because many Persons of the same Body and Community do cohabit therein; and

* *Gloss. in Rub. ff. de Coll. illicitis. Et Gloss. in l. 1. verb. Collegium ff. quod cujusq; ibi etiam Gl. in l. 1. ff. quod cujusq; Univers.*

* *Gloss. 1. in l. 3. Sect. à Municip. ff. de bon. poss. † L. 1. in princ. ff. quod cujusq; ‖ L. ult. ff. de Coll. illicitis.*

* *L. 1. Sodales L. ult. ff. de Coll. illicitis.*

as our Books say, in eodem simul Colliguntur *: And herein a College, according to the understanding of the Civil Law, differs from a Society ||; for, by the *Civilians*, that is called a Society, when the Community or Society do not cohabit: And here the Word *Body*, or *Corporation*, is a generical Term; for it may properly be so styled, whether the Members thereof do cohabit and live together therein, or not *. *Bartolus* says, that Colleges have many Names in Law; some are called *Societies* †; others are called *Fraternities*, and the Members of such a College are styled *Confratres*, in English *Confrarys* ||: And there are certain other Colleges in the Civil Law, which are called *Sodalitia*, and from hence the Members of such a College are named *Sodales* *, or, what is the same with us in English, *Fellows*: And this last kind of College seems to be almost the same with those in our Two Universities, as I shall make more fully appear in the Sequel of this Chapter. But I shall speak of Colleges more particularly in this Place, in the known Sense, and common Understanding of them among us here in *England*; as *Societies* erected and endowed by Liberal Founders and Benefactors, for the Advantage of Sound Religion, Learning, and good Education.

A College then, of which I am now speaking, and have principally to do withall in the ensuing Part of this Chapter, is a legal Body, or

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Corporation, consisting of Three or more Persons, joined together in a Community, for the more comfortable Support and Maintenance of Religion and Learning in our two Universities: And being founded chiefly for Secular Purposes, viz. for a Learned Education of Youth, it is in our Law-Books deemed a Temporal, or Lay-Corporation; for altho' a College should be made up wholly of Spiritual Persons, that is, of Persons in Holy Orders; yet unless the End be also entirely Spiritual, it is no Spiritual, but a Lay-Corporation: And so it was declared in the Case of *Daniel Appleford*, a Fellow of *New-College*, to be the Opinion of all the Judges in *Dr. Patrick's Case* *. Nor is a College the more * *Mod. Rep. pt. 1. pag. 84. Lev. Rep. pt. 2. page 15. 2 Roll. 234.* a Spiritual Corporation, because it is Founded *ad Orandum & Studendum*; for Prayer is the Duty and Business of every Person indistinctly, and so it is not the Sole and Particular End of the Foundation of any of these Colleges. But the *Common* and *Canon* Law disagree herein; for by the *Canon* Law, all Universities, Colleges and Schools of Learning, are Things Spiritual, and consequently subject only to the Care and Inspection of the Ordinary of the Diocesis †: But † *Vid. Abb. Reb. & alias.* of this Matter more at large hereafter.

I define a College to be a legal Body or Corporation, because it is a Body framed by Policy and Fiction of Law; and for the same Reason it is also called a Body Politick; and the Persons, who are incorporated hereinto, are a Body formed to last and endure in perpetual Succession of Time: And thus every College, or a legal Body or Corporation, must have a legal Commencement or Beginning.

Now this Commencement or Beginning does not immediately flow and arise from the Gift of the Founder's Charity, but it has its Creation

and Being from some Act of Law, as either from some Royal Grant convey'd by Charter, or else by some Act of Parliament: for altho' the Founder may build the House, and endow the same with Lands and Possessions; nay, and appropriate those Lands and Possessions to certain Trusts and Uses; yet notwithstanding all this, until such Time, as the Law has made the Persons, who are to receive the Charity, to be a Corporation with a Capacity of taking, &c. the Founder cannot of himself give a Being and Existence to them as a College or Body Politick: But to this End, he must purchase a Royal License, or an Act of Parliament; for tho' antient Right or Prescription may confirm the Continuance of a College, when the Royal Charter or Record of Parliament is lost, where by such College was at first founded; yet this Prescription in Propriety of Law, gives no Right in itself; but is only in affirmance of an antient Right, which such College was suppos'd to have had antecedent to the Loss of the said Charter or Record of Parliament: Nay moreover, tho' the King should give a Power to the Founder to name the Persons, and also to give a Name to his intended College, and a Power to make Laws and Statutes for the good Government thereof; yet when he has done all this, the College is not said to be made a Corporation by its Founder, but by the King or Prince, who grants it a Charter of Incorporation. And having thus prov'd a College to be a legal Corporation from the Manner and Form of its Commencement or Beginning, I proceed to shew that this Body or Corporation must be fram'd and made up of three Persons (at the least) join'd together in a Community: And the Reason of this almost seems to speak its own Necessity

*L. Nervatius
ff. de verb.
sign. L. sicut
b. ult.*

Ch. 2. of the University of OXFORD.

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sity, without the help of any express Law to countenance it ; because among Two Persons only there cannot be in *Fact* a major Part ; and then, if any Disagreement should happen to arise between them, it cannot be brought to a good Conclusion by such a Number, alone, in case both the Parties should firmly adhere to their dissenting Opinions ; and thus it is declar'd by the Civil Law : But by the Canon Law it is known to be otherwise ; for by that Law two Persons in Number may make and constitute a College, forasmuch as according to this Law two Persons constitute and make an Assembly or Congregation ; and the Commentators have superadded another Reason, *viz.* a *Majoritas Dignitatis*, which in a Corporation consisting of two Persons only, must always give the Determination to the eldest of the two, and by this means he has ever the sole Power granted him ; for the other has only a naked Suffrage without any Effect. The Common Law of *England*, or rather the constant Usage of our Princes in erecting aggregate Bodies, which has establish'd this Rule among us as a Law, has been herein agreeable to the Method and Doctrine of the Civil Law ; for that in all their Grants and Charters of Incorporation of Colleges, they have not fram'd any aggregate Body, consisting of less than three in Number.

Bald. in Rub. c. pro socio. N. 3. L. si un. B. si duos. ff. de rec. arb.

Jo. de Im. Abb. in D. c. 1. de Elect. Marc. dicta Dec. 799. N. 3. Vol. 1.

A College must also be *join'd together in Community*, that is to say, the Persons, who make up this Body or Corporation, must have all the Rights and Privileges of such Corporation in common to them all, or in certain Cases by their Representatives ; they must have a common Treasury and a common Seal, by which Seal such College as a Corporation always acts and speaks ; and as such, they not only enjoy

the Goods and Possessions of it in common, but the Officers and Servants thereof, and the Nomination and Election of them in common, unless it be otherwise specially provided and taken care of by the Local Statutes and Ordinances of the College.

The last Part of this Definition of a College, viz. that it is founded for the more comfortable Support and Maintenance of Religion and Learning in our two Universities, does not only limit and confine the Subject of this Chapter chiefly to Colleges in the two Universities, which are all Eleemosinary Foundations; but it also distinguishes them from other *Species* of Colleges, erected for more vile and ignoble Purposes; as Colleges of Artificers, Merchants, &c. more frequent heretofore in foreign Parts of the World, and such as have no Endowments among us.

He is properly said to be the Founder of a College, or Hospital, who first erects and endows it by giving Lands and Possessions thereunto, for the Support of his Charity (and thus Dotation with us is as requisite as the Building of the House, to constitute the Founder) and not the Person who makes it a Corporation in Law: Which is clear and evident from hence, viz. that if it were otherwise, the several Kings and Queens of this Realm, by their granting of these Charters, would become Founders of most of the Colleges and Hospitals in *England*; which is contrary to the Judgment of the Lawyers in the Case of *Sutton's Hospital*, commonly known by the Name of the *Charter-House* in *London*; wherein it is said, that he, who builds the House and bestows the Lands and Revenues, is deemed the Founder thereof; and not the Person who makes it a Corporation by Grant of Charter.

Coke, 10 Rep.

And

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And this Case of *Sutton's Hospital*, I have rather chose to mention here more especially, because it was well consider'd by the Judges, when they deliver'd their Opinions thereon, and is equally adapted to the present Matter in hand: And I must add another Reason too, because I would not have any College vainly ascribe the Honour of the Founder's Charity originally extended to it, to the Bounty and Munificence of other Persons, little more concern'd therein, than in granting a Charter of Incorporation, and a Licence to found and erect the same, and also to endow it with Lands and Possessions, &c. But yet some will have him, who only builds the House, to be their Founder, with whom I will enter into no List of Controversy.

If the King and a common Person give Lands and Possessions to such College at one and the same time, upon its Foundation, the King shall be said to be the Founder thereof, by reason of ⁴⁴ Edw. 3. his Eminence and high Prerogative in Law; ²⁴ and also because it is one entire thing. But if a common Person founds a College with Possessions of a small Value, and the King afterwards endows it with greater Revenues, yet the common Person shall be taken to be the Founder of *Coke's Instit. Part 2. p. 68.* it, and not the King.

Having given the Definition of a College, with which my present Business lies, and in some measure explain'd the same, I come in the next place (in the briefest manner) to enquire into the more essential and constituent Parts thereof, as it is a Corporation or Body Politick.

The first of these Essentials, *viz.* that a College as a Corporation must have a legal Beginning, I have already handled and examin'd:

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4. Rep. 65.
Fulwood's
Case. Cro.
Eliz. 480.
Bird & Welf-
ford.

And the second is a Point so self-evident, that I need only mention the same, without any Endeavours to prove the Truth thereof in this Place, which is, *viz.* that there must be Persons to be incorporated, who in Judgment of Law never die : And therefore I shall proceed to the third ; namely, that every College must have a Name of Incorporation given to it.

For the Name of a Corporation is as the Name of Baptism to a natural Person ; nay, the Law requires more Certainty in the Name of a Corporation, than in the Name of any particular Person : When an Infant is born, he is presently a perfect Creature, and the giving his Name is not a Matter of Necessity, but Policy, for Distinction sake. But as to a Corporation, the Name is of the Substance and Essence of it, and without their Name they are but a Trunk. It was said in the Case of *Paschal* and *Mariol*, by the Lord Chief Baron *Manhood*, that three Things are only to be respected in the Name of such a Corporation ; 1st, The Names of the living Persons, who are the Name of the Corporation. 2^{dly}, The Name of the House or Place, where they make their Abode, or where they make their Building, &c. 3^{dly}, the Name of their Founder.

21 Edw. 4.
 52.

If the King incorporates a College by one Name, and afterwards incorporates the same by another Name ; such College ought to use their Name according to the second Incorporation ; and yet they continue their Possessions, Rights and Privileges, which they had by the other Name.

4^{thly}, There must be apt and proper Words for the incorporating of a College ; but we are not restrained to any certain and prescript Form of Words, and the Word *incorpo* is not necessary,

ary, nor the Words *fundo, erigo, &c.* but it is enough, if there be Words of Incorporation sufficient in Law.

5thly, There must be some Place assign'd, in the Charter of Incorporation, where such College is to be founded or built ; for a College is a *Local Thing*. And these are the chief *Essentials* of a College, as a Corporation ; to which there are many Things incident without any special Grant or Prescription ; for when a College is duly created, all other Incidents of a Corporation are tacitly annex'd to it, as it was resolved in the Case of *Sutton's Hospital* already cited, in their mentioning of several Particulars, as follow, *viz.*

First, A College is a sufficient Corporation, without the Words, to implead, or be impleaded, sue and be sued : Yet a College cannot *per se stare in judicio*, but ought to appear by its Syndick or Attorney, by whom the Body Politick is represented ; and therefore a College in its Politick Capacity, by the *Civil* as well as *D.L. 2 & 3.* *Common Law*, may be compelled to make and *H. quod cu-* constitute a Syndick or Attorney by virtue of the *jusq; unius,* Judges Office, against whom Creditors and others may have their Action ; which Syndick or Attorney may defend the College, as a Corporation : And the Reason of this is, because a College is compared in Law to a Pupil or Minor. *L. Rempub. C.* And, as in the *Civil Law*, when an Action is commenced against a Pupil or Minor, the *de jure Rei-* Plaintiff ought to pray, that a Guardian or Curator be appointed and assign'd to such Person ; so when an Action is brought against a College, according to that Law, the Plaintiff ought to pray the Court, that a Syndick be assign'd and appointed to such College ; and it shall be imputed to the Plaintiff's Negligence, if he does not request it. *pub.* Second-

Secondly, A College has a tacit Authority to purchase, take and enjoy, and also to act herein as a natural Body and as one Person; but yet under certain Restrictions and Limitations hereafter to be remembred, when I speak of *Mortmain*.

Thirdly, It is incident to a College to have a Common Seal; for when they are incorporated, they may make use of what Seal they please: And in Cases and Matters of Weight and Importance, this Seal ought to be made use of and affixed to all the publick Deeds and Instruments of such Body; for that it is then a good Presumption, that such College has lawfully sped and executed the Act contained and set forth in such Deed or Instrument, to which the Common Seal is affixed; and this gives it an undoubted Credit, unless the contrary thereunto be alledged and proved.

Fourthly, A College has a tacit Power of making any Laws or Ordinances, to oblige the whole Society of Members, in all Matters relating to the Honour and Welfare of the House; provided, that none of these be repugnant or derogatory to the *Local Statutes*, or contrariant to the Laws of the Realm in any respect: And altho' this be not of the Essence of a College, yet it is requisite for the Government and Administration thereof.

If the Head or President of any College devises any Lands, Tenements, &c. to his College by Will, and dies, such Devise is void in Law; for at the Time when the Devise should take effect, the College is without a Head, and by this means not capable to take; which was resolved by all the Justices upon good Advice

⁴ *Part L. con* taken thereof, in the Case of the President of
Rep. p. 223. Corpus Christi College in Oxford.

If Lands or Tenements in Freehold be devised and given to a College, the Devise is for ever vested in such College; and the Reason is, because the College cannot alienate the same, or such an Estate, without the help of an Act of Parliament: But if a Legacy, which is a Chattle, be given to a College, there ought to be Words in the Will, to support the Continuance and Perpetuity of such Legacy to the College; otherwise it may be lost and sunk by the present Set of Fellows; for they may think that such Legacy was given to them identically, and by these Means divide the same among themselves. And thus it is one of the principal Privileges of a College, that Legacies may be given by Testament unto them; but as to a Gift of Lands and Tenements in Freehold, it is somewhat restrain'd by the several Statutes of Mortmain.

Griffith Flood, 25 *Eliz.* devises Lands in Fee to his Wife *Ann* for Life, and after to *Jane* his Daughter for Life, and after those Lives ended, to the Principal, Fellows and Scholars of *Jesus College* in *Oxford*, and their Successors, to find a Scholar of his Blood from Time to Time; and dies. It was agreed *per Curiam*, that the Devise was void in Law, because the Statute of Wills did not allow Devises to Corporations in Mortmain; yet it was held clearly to be within the Relief of the Statute of Charitable Uses, under the Words (*limited and appointed for Charitable Uses*) 43 *Eliz.* and so it was decreed, that the College should enjoy it against the Heirs of *G. Flood*: and it was held, that the *Proviso* in the Statute which exempts Colleges, is only intended to exempt them from being reformed by Commission, but *Hob. p. 136.* not to restrain Gifts made to them.

The Statute made 1 & 2 *Phil.* and *Mary*, to make good Devises to Spiritual Corporations, was

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was extended to *Trinity College in Cambridge*: The Reason was, because it was principally ordained for the Study of Divinity; but it would not have been so in a College for Physicians or Civilians. And the *Proviso* in the Statute for Colleges in the University, was *abundans Cautela*, as was ruled in *Porter's Case* for *Terry* his Will: And yet the Statute gives the King Power to change Superstitious Uses in such Colleges; so the Universal Decree of State was not to tolerate any Superstitions any where.

Hob. p. 123.

The Master or Head of a College cannot devise or bequeath the Lands or Goods of his College. *Fitz. Nat. Br.*

If a Legacy be left to a College *in verbis singularibus & distributivis*, and afterwards the Number of this College be increas'd, the Legacy shall only extend to the Number in such College, when the Legacy was given: but if such Legacy be bequeathed in general and universal Terms, it shall comprehend all that shall be of such College at and after the Time of the Legacy given, without any Distinction or Difference: As for example, if an Estate be devis'd, or a Legacy given to the Warden and twelve Fellows of *Wadham College in Oxford, in perpetuum*, and the Number of Fellows shall afterwards by some Ingraftment be increas'd; this Devise or Legacy shall only extend to the Number in being at the Time of the Devise made or Legacy given, and not to any other Number, which shall be ingrafted on or added to it, after such Devise made or Legacy given; for that it plainly appears, that the Devisor, or Person bequeathing only intended this Benefit for the Number of Fellows then existing at the Time of devising

L. 20. Sect. 1. or bequeathing the same: But if such Devise or *H. de an. Leg.* Legacy had been in *general or universal Terms*,
as,

as, *I give and bequeath to the Warden and Fellows of Wadham College for ever, &c.* it had extended it self to all the Fellows, which should be hereafter added or ingrafted on the present Number.

L. 41. Sect.
Test. H. de
Leg. 3. l. 7.
H. de auro 9
arg. Leg.

Altho' Lands and Goods are often devised and given by Will to Collegēs; yet they cannot be Executors of a Will, because as they are aggregate Corporations, they cannot prove the Will by Oath; yet they may be Executors in Trust: But it was adjudg'd in two Cases, which you may find in the first Part of *Roll's Abridgment*, That a Mayor and Commonalty may be made Executors, contrary to the Opinion of *P. 91, 915. Wentworth.*

When a College presents to a Beneficē or Living, it presents as a Corporation; and therefore such Presentation ought to be under the Common Seal of the College, and by the true Name thereof; otherwise it is a void Presentation: Nor wou'd it be sufficient, tho' all the Members thereof shou'd set their Hands and Seals privately thereunto; because a Corporation always speaks by its publick Seal.

A College may employ one in ordinary Services without a Deed, as to be a Butler, Man-
ciple, &c. But no one can appear in an Affize as Bailiff to a College, as it is a Corporation, without a Deed. Nor can they send one to make a Claim to Lands, without a Deed. Nor can they make themselves a Seizure by their Assent, without a Deed or Warrant to one to enter for a Condition broken.

18 Edw. 4.

12 H. 7. 27.

9 Edw. 4. 39.

Coke, 4 Rep.
119.

In all legal Proceedings, that do any wise concern a College as a Corporation, it ought to be averred and alledged, that there is a Corporation, and what it is, and how it was erected; and the least that can be in any Case, is to say, that

Mod. Rep.
Part 3. p. 6.

that it is an antient Corporation erected by Grant, &c.

All Collegiate Acts ought to be sped and executed by the Consent of the Fellows, given in common Assembly, and not *singulariter*, and separately.

It has been a Question in the *Roman* Civil Law, whether in the Making and Framing of Collegiate Deeds and Instruments, the particular Names of the Persons of such Corporation, as are concerned therein, ought to be of necessity described and set forth in the same: But herein the Doctors are divided in their Opinions; for some think, that in all Corporations, both Secular and Spiritual, the particular Names of the Parties, consenting to any Act of the Community, ought to be expressly mentioned, that it may appear whether two Parts in three of such Community be consenting thereunto (for by this as well as by the *Canon* Law it is necessary to have the Consent of two Parts in three of the whole Body) but by the *Common* Law of *England*, (which Colleges follow herein) the greater Part of the whole is sufficient: Others think it not necessary, *circumscripto Sigillo*, thus particularly to express the Names of the Persons consenting; because the intrinsic Solemnity of the Common Seal supposes it, giving a strong Presumption thereunto; especially when there is the additional Strength of a Notarial Act to support the Credit thereof; and this last is the more prevailing Opinion in point of Practice.

I have said before, that every College with us is a legal Body or Corporation, which as such must have a Sovereign Power for the Government thereof; and this is generally lodg'd in the Head of such College, whose principal Duty it is, by some publick Minister or Servant of such

such Society, to call Collegiate Assemblies, to see that all Officers and Scholars do their Duty, and briefly to govern the College according to its Statutes; and not by his own Will and Pleasure, laying aside that of the Founders: A Practice too common in these Days.

In his calling together of these Assemblies, these things are to be observ'd, *viz.* First, there must be due Notice and Premonition given to the Fellows, in order to their meeting together: Which Premonition cannot be expressly defin'd, where the Local Statutes of the College have not ascertain'd the same; but must be left to the Discretion and Honesty of the Head or Master of the same, who may be corrected by the Visitor, if he be unjust and partial therein; and this Notice ought to be fram'd and adapted to the Nature and Circumstances of the Matter, about which they assemble and meet together: And without such lawful Summons the Fellows cannot come together, to do any Collegiate Act; and if they should assemble without such a Call, and proceed to do Business, the Act done would be void in it self; and the Persons thus met together, instead of being a lawful Convention, will be deemed an unlawful Conventicle, and their Acts reputed to be illegal Confederations and Conspiracies. If he refuse to do his Duty herein, being apply'd to upon lawful and reasonable Occasions, he may be compelled hereunto by the superior Power of the Visitor; for it is not in his Choice, whether he will have a Convention or not.

2dly, The Time of Assembling ought to be proper and seasonable for the Dispatch of Business, as in the Day, and not in the Night-time: for the Fellows are not obliged to meet for this End at all Hours, the Night-time being proper
for

for Sleep, and not for Business; nor are they bound to appear upon Conventions at the usual Times of Meals.

3dly, The Place where the Assembly meet ought to be consider'd, which ought to be within the Precincts of the College, and there too in the publick Places thereof; as in the Common Hall, Chapter-House, and the like; and not in private Chambers, &c. unless it be upon necessary and emergent Occasions, not concerning the whole Body.

4thly, The ordinary and usual Method and Token of Calling them together, after due Notice given, ought to be observ'd and followed, as by the Tolling of a Bell, the Sound of a Trumpet, &c. And if any Member shall wilfully or obstinately refuse to appear in the Assembly, after such Notice and Summons given, he may be punished for his Contumacy, either by Substraction of Commons, or by some other statutable Method, according to his Offence.

In the Absence of the Head from the College, his Deputy or Vicegerent may convene Meetings, and transact all Affairs of lesser Importance, with the Body.

Some Heads of Colleges, to advance an arbitrary Proceeding in themselves, have lately erected to their Use almost a Plenitude of Power, by assuming a Negative Voice in Elections, Grants, &c. notwithstanding the Statute of the 33 H. 8. Chap. 27. which I will here recite at length for their Conviction, and then shew the Sense of the *Civil* and *Common* Law therein. By the said Statute it is thus declared, viz.

"Albeit that by the Common Laws of this
" Realm of *England*, all Assents, Elections,
" Grants and Leases had, made and granted
" by the Dean, Warden, Provost, Master,
" Presi-

President, or other Governor of any Cathedral-Church, Hospital, College, or other Corporation, by whatsoever Name they be incorporate or founded, with the Assent and Consent of the more or greater Part of their Chapter, Fellows or Brethren of such Corporation, having Voices of Assent thereunto, be as good and effectual in the Law to the Grantees and Lessees of the same, as if the Residue or the whole Number of such Chapter, Fellows and Brethren of such Corporation, having Voices of Assent, had actually thereunto consented and agreed: Yet the said Common Laws notwithstanding, divers Founders of such Deaneries, Hospitals, Colleges and Corporations within the said Realm, have upon the Foundation and Establishment of the same Deaneries, Hospitals, Colleges and other Corporations, established and made amongst other their peculiar Acts, local Statutes and Ordinances, that if any one of such Corporation, having Power or Authority to assent or disassent, should and would deny any such Grant or Grants, then no such Lease, Election or Grant should be had, granted or leased, and for the Performance of the same, every Person having Power of Assent to the same, have been and be daily thereunto sworn; and so the Residue may not proceed to the Perfection of such Elections, Grants and Leases, according to the Course of the Common Laws of this Realm, unless they should incur the Danger of Perjury: For the avoiding whereof, and for the due Execution of the Common Law universally within this Realm, and every Place, in one Conformity of Reason to be used: Be it ordained, established and enacted by the Authority

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" authority of this present Parliament, that all
 " and every peculiar Act, Order, Rule and
 " Statute heretofore made, or hereafter to be
 " made, by any Founder or Founders of any
 " Hospital, College, Deanery or other Corpo-
 " ration, at or upon the Foundation of any
 " such Hospital, College, Deanery or Corpo-
 " ration, whereby the Grant, Lease, Gift or
 " Election of the Governor or Ruler of such
 " Hospital, College, Deanery, or other Cor-
 " poration, with the Assent of the major Part
 " of such of the same Hospital, College, Dea-
 " nery or Corporation, as have or shall have
 " Voice or Assent to the same, at the Time of
 " such Grant, Lease, Gift or Election hereaf-
 " ter to be made, should be in any wise hin-
 " dred or let by any one or more, being the
 " lesser Number of such Corporation, contrary
 " to the Form, Order and Course of the Com-
 " mon Law of this Realm of *England*, shall be
 " from henceforth frustrate, void, and of none
 " Effect. And that all Oaths heretofore taken
 " by any Person or Persons, of such Hospital,
 " College, Deanery or other Corporation, shall
 " be, for and concerning the Observance of a-
 " ny such Order, Statute or Rule, deemed
 " void and of none effect. And that from
 " henceforth no manner of Person or Persons
 " of any such Hospital, College, Deanery or
 " other Corporation, shall be in any wise com-
 " pelled to take an Oath for the observing of
 " any such Order, Statute or Rule, upon the
 " Pain of every Person giving such Oath, to
 " forfeit for every time so offending $\frac{1}{2}$ the
 " one Moiety thereof to our Sovereign Lord
 " the King, and the other thereof to any of the
 " King's Subjects, that will sue for the same in
 " any of the King's Courts of Record, by Action

of Debt, Bill, Plaint, Information, or otherwise, wherein the Defendant shall not be admitted to wage his Law, nor any Protection, nor Essoyn, or any other dilatory Plea admitted, or allowed.

That the Mayor has no *Negative Voice* in the Election of an Alderman (as great and as absolute as he pretends to be) sufficiently appears in the Case of the King against Sir Robert Atkins, Knight of the Bath, and Recorder of the City of Bristol; wherein upon an Argument at Bar, his Negative Voice was denied to him, upon claiming the same in the Choice of an Alderman, who was elected to that Office in the Mayor's Absence: For if there can be no Election without the Mayor's Presence and Consent had, and he be wilfully absent or dissents thereunto, he is not only *Major Maximus*, but *Dominus ac. totum* (as the vulgar Saying is) or *Dominus sciens totum*; the Aldermen without him will be but as so many Cyphers, and the Mayor will be the great Figure, and the Aldermen will only signify in conjunction with him. It was objected herein, that the Power to elect an Alderman was given to the Mayor and Aldermen, or the major Part of them; and so the Mayor by himself is particularly and expressly named by the Name of his Office, and therefore is of the *Quorum*, without any other express making of a *Quorum*: But for a Solution hereof, I shall rather chuse to refer the Reader to the Case at large in the *Third Part of the Modern Reports*, than give it here, because it is long; yet I will observe, that the Mayor is named in the Grant merely out of necessity, it being Part of the Name of the Corporation to whom the Grant was made: And if this were a valid Election in the Mayor's Absence, (yet requested to be present)

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sent) it would sure have been much more so, had he been present, and only dissented from the Majority in his Suffrage. This Case (I think) will hold good, and may be well compared unto Elections, &c. made in Colleges after this manner, viz. *In quem ipse Custos vel Magister, & Socii, vel Major eorum pars, &c. consenserit.* The wise Founder of *New College* has almost every where in his Statutes excluded the Warden of that Society by express Words from such a *Negative* upon his Fellows, well knowing how dangerous a thing it was to lodge so great Power in the Hands of any one Man; nay, the Founder is so far from giving this Excess of Authority, that he has not provided him with a casting Voice upon an Equality; but in such a case the Matter must devolve to the Visitor of the College for his Determination.

In the *Civil Law* we find no such thing as a *Negative* Suffrage entrusted with any one single Person: for in their Councils, which concern the Acts of Colleges or Corporations, the Consent of the major Part of the Counsellors assembled is sufficient, and in this case the Dignity and Authority of the *Decurios* is not considered or regarded, but the major Part simply prevails, and prejudices the lesser. *Vide Alexandri Consilia*, where he expressly says, *Quod consensus populi, & sic majoris partis, in rebus agendis sufficit, licet Primates reluctantur & dissentiant.* And this Consent must be had and obtained in the Common Assembly, and in some publick Place belonging to such College or Corporation. But it is otherwise in Matters relating to many Individuals, wherein the Consent of the Majority may be given separately, and not assembled as aforesaid. *Maranta*, in his Book of Practice, says, that in a Council there is one whose Bu-

Alex. Conf.
192. per tot.
Vol. 6. Et
Conf. 40. n. 1.
Vol. 2. Dec.
Conf. 437. n.
3.

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ness and Duty it is to propound Matters unto the Assembly met together, *sive Caput, sive Rector Concilii, sive alius de Consiliariis, & interrogat an placeat talis reformatio, & ita postea reformatur & constituitur, prout placet Concilio.* And if the Rector or Head of the Council shall refuse to propose the Matter, upon a Motion and Request made to him, provided it be *de sano Consilio*, he shall be thereunto compelled by the Censures of the Prince, or his Superiors; so that he cannot by any obstinate Fraud of his own destroy the laudable and well-meaning Design of the Congregation or Council met together. Others will have it, that any Member of the Council may propose, upon the Rector's Refusal, if a Majority consents thereunto. *Roland. Conf. N. 13, 14.*

All Colleges in our two Universities of Oxford and Cambridge, are Corporations within a Corporation; for the two Universities themselves are antient Corporations, into which every College therein is respectively incorporated, either by express Grant, or of common Right; and does therefore become subject to the Chancellor's Jurisdiction in all Causes and Matters, whereof the Chancellor of each University has cognizance: And in such Causes and Matters they are to be impleaded in their own proper Court.

Indebitatus assumpsit was brought against the President and Scholars of *Magdalene College* in Oxford, for threescore Pounds for Butter and Cheese sold to the College. The Chancellor of the University demanded cognizance by virtue of Charters of Privileges granted to the University by the King's Progenitors, and confirmed by Act of Parliament; whereby, amongst other Things, Power is given them to hold Plea in personal Actions, wherein Scholars or other

privileged Persons are concerned, and concludes with an express Demand of Cognizance in this particular Cause. *Baldm.* Their Privilege extends not to this Case; for a Corporation is Defendant, and their Charters mention privileged Persons only; and that their Charters are in derogation of the Common Law, and must be taken strictly. They make this Demand upon Charters confirmed by Act of Parliament: and they have a Charter granted by K. Henry the 8th, which is confirmed by an Act in the Queen's Time: But the Charter of the 11 Car. 1. (which is the only Charter that mentions Corporations) is not confirmed by any Act of Parliament, and consequently is not material as to this Demand; for a Demand of Cognizance is *stricti juris*. But admitting it material, the King's Patent cannot deprive us of the Benefit of the Common Law, and in the Vice-Chancellor's Court they proceed by the Civil Law. If you allow this Demand, there will be a *Failure of Justice*: for the Defendants being a Corporation, cannot be arrested, they can make no Stipulation, the Vice-Chancellor's Court can issue no *Distringas* out against their Lands, nor can they be excommunicated. Precedents we find of Corporations suing there as Plaintiffs (in which the aforementioned Inconvenience does not ensue) but none of Actions brought against Corporations. *Maynard contra.* Servants to Colleges and Officers of Corporations have been allowed the Privilege of the University, which they could not have in their own Right; and if in their Masters Right, *à fortiori* their Masters shall enjoy it. The Word *Personæ* in the Demand will include a Corporation well enough. *Ch. J. Vaughan.* Perhaps the Words *atque confirmat, &c.* in the Demand of Cognizance,

zance, are not material: for the Privileges of the Universities are grounded on their Patents, which are good in Law, whether confirmed by Parliament, or not. The Word *Persona* does include Corporations: A Demand of Cognizance is not in derogation of the Common Law; for the King by Law may grant *honorabilia*, tho' it may fall out to be in derogation of *Westminster-Hall*. Nor will there be a Failure of Justice, for when a Corporation is Defendant, they make them give Bond, and put in Stipulators, that they will satisfy the Judgment, and if they do not perform the Condition of their Bond, they may commit their Bail. They have enjoyed these Privileges some Hundreds of Years ago. The rest of the Judges agreed, that the University ought to have cognizance. But *Arkyns* objected against the Form of the Demand, that the Word *Persona* *privilegiata* cannot comprehend a Corporation in a Demand of Cognizance, however the Sense may carry it in an Act of Parliament. *Ellis* and *Wyndham* said, if neither Scholars, nor privileged Persons had been mention'd, but an express Demand made of Cognizance in this particular Cause, it had been sufficient; and then a Fault, if there had been one, only in *Superfluous*, and a Matter that comes in by way of Preface, shall not hurt: And so the Demand was allow'd as to Matter and Form.

Since a Fellowship of a College is only for a private Use and Design, viz. for Study, &c. it has been adjudged that a Fellow cannot bring an *Affix*; but as a Prebendary, he has two Capacities, *Solus* and *Aggregatus*; for he is a Member of a Corporation aggregate, and has a sole Capacity in respect of his Fellowship: nor does a *Mandamus* lie for a Mastership, Fellowship,

Mod. Rep.
Part 1. p. 163,
164, &c.

ship, or Scholarship of a College; for *Mandamusses* do generally respect Matters of a publick Nature and Concern, and a College is a private Society as the Inns of Court: And besides, for that they have their *Local* Visitors appointed them either by the Common Law of the Realm, or the private Statutes of the College, as will be seen in the next Chapter.

A *Mandamus* was granted to restore a Fellow of *New College* in *Oxon.* and upon the Return of the Writ, the Court would consider whether the Writ lay or not; and afterwards in *Hilary* Term, the 23d and 24th of King *Charles II.* the Case was argued on the Return by *Jones* for the Plaintiff, and *Coleman* for the Defendant; and a Return was made of their Foundation, that they were obliged to study so many Years, and then to take Orders; and that the Master and Scholars for Crimes enormous, scandalous and dangerous to the College, may expel any Fellow, and the Bishop of *Winton* shall be Visitor, and in case of Difference all Appeals shall be made to him and to no other: And *Applesford* having committed an Offence enormous, dangerous and scandalous to the College, and he being summoned and convicted thereof by the Warden, Sub-Warden, and thirteen Senior Fellows, was expell'd according to the said Statutes: Hereupon he appeal'd to the Lord Bishop of *Winton*. where the Sentence was affirmed. *Jones* took these Exceptions to the Return; first, It is not returned what the Offence was, so that the Court may judge whether this be a sufficient Cause of Expulsion; and they are not to expel for any Cause but for such as are scandalous and dangerous to the College; and of this the Court is Judge, as it was adjudg'd

*Coke Rep. 5.
2. Specot's
Case.*

adged in this Court, 1655. between *Box* and
Woolaston. 2dly, They cannot expel but for
 enormous Crimes, and here it is return'd, that
 he was convict *de criminibus enormibus* without a
Dash, and omitting the Letter *n* ; and *enormi-*
bus without the Letter *n*, signifies nothing.
 And to the Matter it was argued, that a *Man-*
amus well lies in the Case : This Court *Coke 2. Rep.*
 hath a Power to give Remedy by this Writ, 68.
 When there is no other Remedy for the
 same thing by an *Affize* or Action upon the
 Case to recover Damages. The Warden of the
 College may have an *Affize*, but a Fellow can-
 not, if the other Fellows will not join with him,
 and they are those who have injur'd and expel-
 led him, and will not join with him for his Relief.
 A College is not a spiritual Corporation, and
 therefore can have no Remedy by an Appeal
 to the Ordinary ; and altho' the Founder ap-
 points an Appeal to the Bishop of *Winchester*, and
 to no other, this cannot oust the Party injur'd
 of his Appeal to the King's Court for Justice. *Littl. Sess.*
 A Custom, that if Goods be distrain'd, they ^{212.}
 shall not be replevy'd, is void ; and the same of
 a Grant ; and so if a Man by his Will appoints,
 that all Differences between Executors and Le-
 gatees shall be referr'd to and determin'd by
 J. S. and no other, this cannot oust the Parties
 of their Right to sue at the King's Courts ; and
 for Presidents he cited Dr. *Widdrington's* Case,
 and Dr. *Patrick's* Case, in this Court. *Coleman*
 on the contrary supposing the Return ill, by the
 Exceptions taken to it ; yet if it appears to the
 Court that the Writ does not lie, the Plaintiff
 cannot have Restitution ; and if it appears, that
 the Sentence of the Visitor is conclusive by the
 Foundation, the Founder may impose what
 Conditions he will on a Creature of his own ma-
 king,

king, and if they will accept of the Charity, they ought to accept of it under the Conditions with which it is attended and obliged in its Creation; and so it differs from the Cases put of a *Replevin*, &c. where there is a Law that directs what shall be done in the Case before the Grant, &c. 2dly, This is their private Society without any Influence on the Publick Weal or Government. He said that *Bagge's Case* was the first President for a *Mandamus* of this kind, and all their Instances are touching Offices, which concern the Publick, and the *Mandamusses* mentioned in *Ryley's Placita Parliamentaria* are not, that Letters Commendatory should be: And by *Bagge's Case* it does not appear, that any *Mandamus* was ever granted for Restitution to private Estates; for if so, it may be well granted to restore a Person to his Estate or Land. 3dly, Colleges are Foundations of Bounty and Charity, and any Man may dispose of his Bounty and Charity as he pleases.

Hale and Twisden, Colleges are not spiritual Corporations or Foundations, but are private Societies, as the Inns of Court: And here it is said by *Hale*, that the Bishop is appointed, and no other; he hath given a Sentence, then what has this Court to do with it? This cures all the Faults of the Return: The Spiritual Court deprives a Man by Sentence, where they have Jurisdiction, the Cause of this shall never come in Question in any Temporal Court, in an *Assize* or otherwise, so long as this Sentence remains in Force, but the Temporal Courts are bound thereby. A *Mandamus* lies to a College, but upon the Return the Court is to judge whether it hath any Power or not in the Case; and upon this Return it appears, that they have not any Power: To all which *Twisden* and *Moreton*

seem

seem to agree, *Rainsford* being silent; and the Opinion of the Court thus appearing, *Jones* desired not to offer any other Argument, being asked the Question by the Court.

Mod. Rep.
par. 1. p. 82.
Levintz. Rep.
par. 2. p. 14.

A *Mandamus* was moved for to restore Doctor *Widdrington* to a Fellowship in *Christ-College* in *Cambridge*, which was oppos'd by *Jones*, because the Universities have Cognizance of Pleas by their Charters, and Colleges have their Visitors, and for this Reason no *Mandamus* will lie: But two Presidents were remembered to have been cited by *Arth. Trevor* in Dr. *Goddard's* Case of a *Mandamus* granted in such Case, one in the Time of *Edw. II.* and the other in the Reign of *Edm. III.* to which *Jones* said, that no *Mandamus* had been granted since: But Chief Justice *Foster* said, that one was granted about the End of Queen *Elizabeth's* or the Beginning of King *James's* Reign; and upon this a *Mandamus* was granted: But the Court said, that if they return Matters proper for themselves to determine, this Court will remit the Matter to them: And in *Trinity Term* following a Return of the Writ was made, and some Exceptions taken to lit upon a Misnomer of the Corporation, and a Day given to amend the Return; and in *Mich. Term* following the Return was argued at Bar, which Return was of the Foundation of the College, and some of the Founder's Statutes, by which he appoints the Chancellor of the University to be their Visitor; and on this it was solely insisted, that there being a special Visitor appointed by the Founder, this Court ought not to meddle in the Matter, but all Appeals ought to be to him, and not to this Court, be the Foundation (which was much controverted) Spiritual or Temporal; and it was agreed, that if the Master of a College be wrongfully

Dyer Rep.
Dr. Canon's
Case.

Coke Rep. 7.
42.

wrongfully ousted, an *Affize* will lie, but not if he be ousted by his proper Ordinary or Visitor; and as the King may give Licence to found a College, so he may give Power to make Laws for the Government of such College, and by these they shall be governed, and no other; and the Acts done by such Governors shall be intended *rite acta* and not examinable in this Court; and tho' it was objected, that this Court has Super-Intendency of all other Courts to hold them within their Jurisdiction, to which the Court agreed; yet since it appear'd not, that they had exceeded their Jurisdiction, they ought not to appeal to this Court; for if they should, the Matters of Colleges and particular Jurisdictions would be drawn to this Court; and if they are aggrieved, they ought to appeal to their Visitor; which if they had done, there would have been more Reason to hear them here; but to hear them now was to go *per saltum*, which ought not to be, for all Proceedings ought to be *per gradus*, as from one Ordinary to the next superior Judge, and not at first Dash to the *Metropolitan*, &c. And afterwards in *Hill* Term, all the Judges deliver'd their Opinions, that a *Mandamus* did not lie on this Return: But that the Return containing many false and scandalous Matters touching the Doctors Reputation, the Court advised him to bring an Action on the Case for them as for a Libel, but would not relieve him by a *Mandamus*.

These two Cases I have recited more largely, because I shall have further Occasion of them in the next Chapter, when I come to treat of Visitors and their Power.

All Heads and Fellows of Colleges are Creatures of their proper Founders, and must be sub-
ject

ect to the Rules, Limitations and Restrictions, which are prescrib'd by the Statutes of their several and respective Foundations.

By the Canon Law every Head of a College in a Priest's Orders, in respect of his Society only, is said to have a Cure of Souls in such College, although not formally and expressly committed to him by any Statute thereof.

A College may be cited or summon'd by a Citation or Edict affix'd up in the Place, where such College or Body Politick has been accustomed to meet and assemble; and if in a College they shut their Gates against the Messenger, it may be affix'd on them, and the same may be done if the Messenger be hindred or prohibited to enter the College by any other Means. A College may also be summon'd by Proclamation made in publick Places of such College by reading the Citation openly. Colleges may also be cited in their common and publick Hall, when they are met and assembled together: But a Citation on the Person of their Syndick is not sufficient, that such College should be pronounced to be guilty of Contumacy, or to be *in dolo*; nor is it sufficient, that the Head or Chief thereof be cited, for his Contumacy shall not prejudice or affect the Corporation it self. And from hence it appears, that a College as a Body Politick may be cited two Ways, either *personally* or *ad Domum*; personally when a Citation is served and executed on the College assembled in Chapter or Council; *ad Domum*, when the citatory Schedule is affix'd on the Gates, or some publick Place thereof, so that it may reach and come to the Knowledge of the publick Body; and before a College can be assembled it cannot be contumacious, but if it refuses or delays to meet, it is otherwise. Every Member of such Society

Society in his individual Capacity, is cited either by affixing the Letters citatory on the College, or his Chamber-Door, &c.

By a Statute made in the first of *Will. & Mary*, for the abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths, 'tis enacted, that if any Head or Fellow of any College or Hall in either of the two Universities shall neglect or refuse to take the Oaths there by appointed, and before such Person or Persons as by any Act or Acts are authoriz'd to tender the abrogated Oaths, that then the Government or Fellowship of every Person so neglecting or refusing shall be void. And the abrogated Oaths were enjoin'd by the 25th of *Charles II.* and the Fellows of Colleges *quatenus* Fellows were obliged to take them in the open Hall of every respective College, in the Presence of the Head thereof or his Deputy: And these Oaths must be taken before the Admission of such Head or Fellow, &c.

There is also another Oath, *viz.* the Abjuration Oath to be taken by all the Members of Colleges and Halls in both Universities, that are or shall be of the Foundation, being of or as soon as they shall attain the Age of 18 Years, and all Persons teaching Pupils in either University; and for Neglect or Refusal thereof every Person shall be *ipso facto* adjudg'd incapable, and disabled in Law to all Intents whatsoever, to have, occupy, or enjoy such Place, &c. in such College, Hall, &c. and the Profits belonging to any one hereby. This Oath is to be taken within three Months after the Admission of such Person into such College, Hall, &c. at one of the Courts at *Westminster*, or at the next general Quarter Sessions of the Peace, between nine and twelve in the Morning, paying only one Shilling for Entry thereof.

All Leases, Grants, and Conveyances, made by the Masters and Fellows of Colleges, are with-
the restrictive Statute of *Eliz.* whereby they
are disabled to make any Leases, Grants and
conveyances of any of their Possessions, other
than for one and twenty Years, or three Lives,
to be reckon'd from the making of such Lease,
Grant or Conveyance, and this must be of Land
usually demis'd, and the accustom'd Rent or more
must be reserv'd with all the other Qualifications
the 32^d of *Hen. VIII.* which see afterwards.
The Mischief before this Act of *Eliz.* was,
that several Colleges made Deeds of Gift, long
leases, and colourable Alienations, &c. of their
Lands and Possessions, to the great Prejudice and
impoverishing of their Successors, Leases ha-
ving been made by some for an hundred, and
by others for five Hundred Years to come, up-
on a small and inconsiderable Rents reserved to
them and their Successors, receiving to them-
selves large Sums of Money, and other Gratuities
for the Grant of such Leases, &c. So that hereby
in Process of Time the Estates and Endowments
of all Colleges must have been swallowed up,
and in a Manner reduced to nothing. Therefore,
The wise Founder of *New College in Oxford*
being sensible of this base and unworthy Pro-
ceeding among certain Colleges in his Time, has
with much Prudence and Precaution not only
prohibited all fraudulent Gifts and Alienations
of his College Estates and Possessions both Tem-
poral and Spiritual, to the Prejudice and Dis-
advantage of all his succeeding Fellows, but has
also limited and restrain'd all Grants and Leases
by a Local Statute to a certain Number of Years,
restraining Grants and Demises of Farms and
Mannors to the Term of twenty Years, and
those of impropriated Estates to the Term of
ten

An. 13. cap. 10.

Cap. 28.

ten Years only ; and has prohibited the Sale of Alienations thereof for Term of Life, unless in certain Cases in his Statutes express'd, enacting the same for his other College near *Winton*.

The Wisdom and Example of this great and excellent Man has been follow'd by other succeeding Founders herein. Yet by a Clause in the aforesaid Statute of *Eliz.* it is nevertheless provided and enacted, That this Act, nor any thing therein contain'd, shall be taken or construed to make good any Lease or other Grant to be made by any such College or Collegiate Church within either of both the Universities of *Oxford* and *Cambridge*, or elsewhere within the Realm of *England*, for more Years than are limited by the private Statutes of the same College. Provided always, That this Act shall not extend to any Lease hereafter to be made, upon Surrender of any Lease heretofore made, or by Reason of any Covenant or Condition contain'd in any Lease heretofore made, and now continuing, so that the Lease to be made do not contain more Years than the Residue of the Year of the former Lease now continuing shall be at the Time of such Lease hereafter to be made, nor any less Rent than is reserved in the said former Lease. And this Act is revived and continued by the two several Statutes cited in the Margin.

*Cok. lib. 4.
fol. 120. lib.
2. fol. 14.
Stat. 1. Jac.
1.25. 21. Jac.
1.28. Andersf.
Rep. par. 1.
fol. 65.*

By a Statute in the 18th of *Eliz.* Chap. 6. upon all College Leases, a third Part of the antient Rent shall be reserv'd in Wheat and Malt after the Rate of six Shillings and eight Pence per Quar. for the best Wheat ; and five Shillings per Qu. for the best Malt, to be delivered at the Colleges, and in case it be not delivered, to pay for them after the Rate and Price of the best Wheat and Malt which shall be sold the next Market

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Day before the Rent should have been paid ; and for Default of such Reservation the Lease shall become void ; and the Markets that are to set the Prices are *Oxford* for *Oxford*, *Cambridge* for *Cambridge*, *Windsor* for *Eaton*, and *Winchester* for *Winchester* College : And that all collateral Bonds or other Assurances hereafter made to elude or defraud the Intention of this Act shall be void in Law. And the same Wheat, Malt, or Money coming of the same, shall be expended to the Use of the Relief of the *Commons*, and *Diet* of the said Colleges, &c. and by no Fraud or Colour, let or sold away from these Colleges, and the Fellows and Scholars in the same, and the Use aforesaid, upon Pain of Deprivation of the Governor, and chief Rulers of such Colleges, Halls, &c. and all other thereunto consenting.

Provided always, That this Act or any thing therein contain'd, shall not extend or be in any wise prejudicial to any Lease to be made of a Barn, with a certain Portion of Tithes, rising, growing and being in the Parish of *Southweek* in *Sussex*, being Parcel of *Maudlin* College in *Oxford*, so that the Term demised in and by the said Lease exceed not the Number of Ten Years, from and after the Feast of *St. Michael* next coming ; any thing herein specified to the contrary notwithstanding.

Provided also, That this Act shall not extend to any Lease to be made by the President and Scholars of *St. John Baptist's* College in *Oxford*, to any Heir Male of *Sir Thomas White*, Founder of the said College, which Lease shall be made according to the Meaning of the Foundation and Statutes of the said College, of the Mannor of *Wifield*, and no other Hereditaments.

In an *Ejectione firma* for Tithes, in the Case
Vol. II. C of

of *Kemp and Hollingsbrook*, on this Statute of *Eliz.* by which 'tis enacted, That no Masters or Fellows of any College in *Oxford* and *Cambridge*, &c. shall make any Lease for Life or Years of any Farm, or of any of their Lands, Tenements, or other their Hereditaments, to which any Tythes, arable Land, Meadow or Pasture, doth or shall appertain, unless the third Part at least of the antient Rent be reserved and paid in Corn for the said Colleges, &c. The Question was, Whether the said Statute shall be construed to extend to Leases of such extraordinary pecuniary Tythes, which are not natural, and paid in kind? And it was argued, That the said Statute is to be intended of Tythes in kind; and also of such things to be demised, which render Corn, Hay, &c. But the Tythes in *London*, which is the thing demised in this Case, render not any such thing, but only Money, according to the Decree made for Payment of Tythes in *London*, in the Reign of King *Edw. 6.* And tho' the Words of the Statute be (*other Hereditaments*) to which any Tythes &c. yet the said Statute extends to Tythes in gross, but they ought to be such Tythes which are of such Nature as Tythe-Corn and Tythe-Hay: And *Ch. B. Manhood* held clearly, That of these Tythes a Lease is good enough, notwithstanding the Defect of a special Reservation, which is limited and appointed by the Statute; and by him a Lease of a House-Rent, Mill, Ferry, &c. are out of this Stat. And to the Tythes, notwithstanding the Words of the Statute (*any Tythes*); yet he conceived the Stat. ought to be intended of Tythes of Common Right, and not of such Tythes as those of *London* are, and if all the Parishioners prescribe *in modo decimandi*, viz. to pay a certain Sum of Money

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Money for or in lieu of all manner of Tythes, upon Demise of such a Rectory, such special Reservation is not necessary; for these are Tythes against *Common Right*, and no Tythes are within the said Statute but those which are annual; and therefore a Lease of Tythe-Wood is out of the Meaning of this Statute; for *non renovantur in annum*. And he said, that upon a Lease of the Tythes of Cherry-Trees, a Rent ought to be reserved according to the Statute, and the Farmer may bring his Cherries to the Market, and buy Corn. Justice *Shute* to the contrary; for the Words of the Statute are general. Note, That this Lease was of the Rectory of *St. Lawrence Jewry*, belonging to *Ba-riol-College* in *Oxford*. There was another Matter moved in this Case, because the Lease, whereof the Action was brought, was made by Name of *Master* or *Guardian* and the *Fellows*, whereas the true Name of their College is *Master and Fellows*; and it was argued by *Atkinson*, that the same is not a Misnomer, which makes the Lease void, for (*sive custos*) are Words of Surplusage, and so it was held by the Court: In the Case of the Cooks, the Corporation was by the Name of *Master* or *Governors* and *Commonalty Mysterii Coquorum, &c.* and they made a Conveyance by the Name of *Master* or *Governor* and *Commonalty artis sive Mysterii Coquorum, &c.* and it was held good, as was this Lease.

7 H. 6. 13.

Plowd. 531.
20. Eliz.

Leon. Rep pt.
1. page 19.

Yet notwithstanding the wholesom Provision made by the 13th of this Queen, there were evil Practices made Use of to defeat the Design of that excellent Statute by the granting of concurrent Leases; to cure this Mischief there was another Act made in the 18th of *Eliz.* whereby Colleges are restrain'd to make any concurrent Lease or Leases of any of their Lands or Possessi-

ons, until three Years within the Expiration of the former Term or Terms: And all Bonds, Grants, Deeds and Assurances whatsoever made, to elude the Meaning of this Act, are void, and of none Effect in Law. But by this Act it is provided and reserved, that St. John's College aforesaid may from Time to Time demise the Mannor of *Fisfield* aforesaid, with the Copyholds and Appurtenances, to every Heir Male of the said Sir *Tho. White* successively, according to the Form of a Lease made to *Ralph White*, Brother of the said Sir *Thomas*, and every Covenant made or to be made for the Performance of the same shall be good in Law, as if the Act made in the 13th of *Eliz.* Chap. 10. had never been made. But take this Part of the Statute in its own Words, viz. ' And whereas Sir *Tho. White*, late Knight and Alderman of *London*, for Advancement of good Learning, hath founded one College in the University of *Oxford*, called St. *John Baptist's* College; and being seized of the Mannor of *Fishyde* alias *Fisfield* in the County of *Berks*, did together with all other his Lands, Tenements and Hereditaments, give and assure the said Mannor, with all the Appurtenances, to the President and Scholars of the said College for ever. And nevertheless, the said Sir *Thomas White* having then one *Ralph White* his Brother living, and sundry Kinsmen, to whom by course of the Common Law his Lands might have descended, did devise and order, and by the Statute which he provided for the said House, and by order of the now Visitor of the said College, is ordain'd, That the said Mannor of *Fishyde* alias *Fisfield*, with the Appurtenances, should be demised by the said President and Scholars for the Time being, to the said *Ralph*, for the Term

Term of 29 Years, if the said *Ralph* should so long live, and so it is intended, that from Heir Male to Heir Male of the said *Sir Thomas White*, new Devises should from Time to Time be made of the said Mannor with the Appurtenances, to every such Heir Male successively, for the Term of 29 Years, if such Heir should so long live, yielding to the said President and Scholars for the Time being, such Rent as now is reserved, with such farther Covenants and Conditions, as by the said *Sir Thomas White* or Visitor is agreed and appointed.

And whereas since the Decease of the said *Sir Thomas White*, the said Assurances to the said President and Scholars, in all or most part of the Lands, Tenements and Hereditaments of the said Founder, were found in some Respect imperfect, and insufficient in Law; and that thereupon the said *Ralph White*, to whom the Advantage of such Imperfection came by Law, did nevertheless take no such Advantage, but did willingly make perfect the said Assurances, according to the true Meaning of the said *Sir Thomas White* his Brother, accepting only one Lease of the said Mannor in such sort, as the said Visitor was appointed, with the Copy-holds and other Appurtenances of the said Mannor; for Remedy whereof, be it enacted, That the President and Scholars of the said College may from Time to Time demise the said Mannor, Copy-holds and other Appurtenances, to every Heir Male of the said *Sir Thomas White* successively, according to the Form of a Lease thereof already made to the said *Ralph*; and that every such Lease so to be made, and every Covenant made or to be made, for the Performance of the same,

shall be good in Law, as if the said Act made in the said 13th Year had never been had or made: Any thing in the said Act made in the 13th Year, or any other Act or Matter whatsoever to the contrary notwithstanding.

Hob. Rep. p.
269.

Chap. 11.

Chap. 10.

Chap. 11.

College Leases shall not be extended to be void by the Stat. of the 13th of *Eliz.* if made of any House, not the Capital House, nor above 10 Acres of Ground, in any City, Borough, or Market Town, or Suburbs thereof: But the same may be made as they might have been before the Stat. of the 13th of *Eliz.* Chap. 10. and so shall be good by the Stat. of the 14th of *Eliz.* Chap. 11. Sect. 17. *Crane versus Taylour.* For though the Stat. of the 13th of *Eliz.* Chap. 10. be general against all Leases and Grants, other than for twenty one Years, and three Lives of all the Possessions of, &c. yet this Stat. of the 14th of *Eliz.* which is shuff'd into an Act of Continuance of Statutes; enacts, That the 13th of *Eliz.* (naming it) shall not extend to any Houses in Cities or Towns, &c. but that the same may be granted, demised, &c. as they might lawfully have been, and as if that Stat. had not been made: So that Stat. sets all loose touching such Houses in Cities, as against the Stat. of the 13th of *Eliz.* and therefore the Stat. of the 14th of *Eliz.* Chap. 11. makes a new Law of it self for them, that no Lease shall be made of them in Reversion, which was not restrain'd by the 13th of *Eliz.* as appears by the 18th of *Eliz.* which provides for that Mischief not provided for before. Also the 14th of *Eliz.* Chap. 11. forbids Alienations of such Houses except there be full Recompence given to the Church or College at the same time, so as without such Recompence they may alien in Fee, which was not permitted by the 13th of *Eliz.* The

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Ch. 2. of the University of OXFORD.

comes in the Stat. of the 18th of *Eliz.* which recites, that since the making of the 13th, divers Leases were made long before the Expiration of the former against the Meaning of the Stat. of the 13th, and enacts that all Leases made of Lands, whereof any former Lease was then in being, and not to be ended within three Years, should be void; and that all Bonds and Covenants for making Leases against the Intent of the 18th and 13th of *Eliz.* should be void; so that this Stat. toucheth not the 14th of *Eliz.* which permitted not in Reversion at all, nor was named or mentioned in this Statute.

A Lease made by a College to begin at a Day to come, is made good by the Stat. of 14. *Eliz.* if it does not exceed the Term of 40 Years from the making thereof; for the Purpose of this Act was, that Colleges and the like shall [not] make Grants in Reversion, tho' but for a Year; and the Reason was, because by such Grants in Reversion they shall be excluded to have their Rent of the particular Tenants for the Time. But to make a Lease for twenty Years to one in Possession, and to make another Lease to another for twenty Years, to begin after the End of the former Lease, is good; for that one and the other do not exceed 40 Years comprized in the Stat. *Thompson and Trafford.*

Now the Stat. of the 32 *H. 8.* Chap. 28. ordains certain Qualifications of Leases made by Ecclesiastical Persons, and Masters of Colleges and Hospitals are bound by it.

First, Such Lease must be made by Writing indented, and not by Deed or by Parol Agreement.

Secondly, Such Lease must begin from the Day of the Date of the Making thereof, or from the making thereof; but by the Statute of the

1st of *Eliz.* and the 13th, they must begin from the making, or from the Time of the Commencement.

Chap. 11.

Thirdly, If there be an old Lease in being at the Time of the making of such new Lease, it must expire, be surrendred or ended within a Year after the making of such new Lease, and such Surrender must be absolute and not conditional. But by the 18th of *Eliz.* the old Lease is to be expired within three Years next after the making the new Lease.

3 *Cok. Rep.*

Gro. Jac. p. 76.

14 *Eliz. Ch. 1.*

Fourthly, There must not be a double Lease in being at one and the same Time, the one for Years and the other Lives. The Words are for twenty-one Years, or three Lives, so as one or the other may be made, but not both: *Elmer's Case*. A Lease to *J. S.* for the Lives of his three Sons, is good and warranted against Colleges.

8 *Rep. p. 20. b.*

Fifthly, Such Lease must not exceed twenty-one Years, or three Lives, from the making of it, but it may be for a lesser Term, or fewer Years. A Lease for 99 Years, if one, two, or three Lives so long shall live, is good within this Statute.

Vaugh. Rep.
204.

Sixthly, It must be of Lands and Tenements, manurable or corporeal, out of which a Rent may be reserved, and not of things that lie in Grant, as Advowsons, Fairs, Markets, Franchises, Tythes, Toll, &c. out of which a Rent cannot be reserved; where Tythe and Land together are demised, rendring the accustom'd Rent, the Successor cannot avoid the Lease in the whole, or as to the Tythes only; it must be good, or else Tythe in no Sense could be demised.

Seventhly, Such Lease must be of Lands and Tenements, which have most commonly been letten to farm, or occupied by the Farmers thereof by the Space of twenty Years next before the Lease made, or by the most part of twenty

Twenty Years; so that if they have been let for seven Years at one or several times within the twenty Years next before the making of the new lease, it is sufficient. But this seems not to be law; for the first Part of the Statute as to Leasing, seems to refer to a more ancient Time, and the latter Part of Farmers to 20 Years. The best Construction is, that it ought to be anciently, and also lately letten. And by *Vaughan* usually letten shall be intended Lands twice letten. *Inf. 44. b.* *Sid. Rep. 416.* *Vaug. Rep. p. 30.*

A Grant by Copy of Court-Roll in Fee for Life or Years, is sufficient letting to farm within this Statute: *Baugh and Heines's Case*. Land accounted usually demisable, when it is always demised, whether by Indenture, Copy of Court-Roll, &c. as if it had been usually let at Will at Common Law rendering Rent: But it is not ancient Rent, where more is letten than was before: *Mountjoy's Case*. *Cro. Jas. p. 76.* *5 Rep.*

Eighthly, Upon every such Lease there must be reserved yearly, during the same Lease, due and payable to the Lessors and their Successors, &c. so much yearly Farm or Rent, or more, as hath most accustomably been yielded and paid for the Land so demised within twenty Years next before such Lease made. And if Land usually letten be demised with any other Lands, &c. tho' a Rent be reserved, which exceeds the Value of those Lands, and the old Rent; yet such Lease shall be avoided by the Successor, and is not warranted by the Statute: For the accustomable Rent is not observ'd and reserv'd; since Part was not accustomably letten, and the Rent issues out of the Whole. *5 Rep. 5 & 6.*

If the accustomable Rent had been payable at four Feasts or Days in the Year, yet if it be reserved by the new Lease to be paid at one Feast, *Inf. 44. b.* if it be reserved yearly, it is within the Stat.

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5 Rep. 5.

The Reservation of eight Bushels of Corn is all one in Quantity, Value and Nature, and varies only in Words.

Cro. Eliz. p.
815. 4. Rep.
119.

A Lease was made by *Corpus Christi College* in *Oxon.* reserving twenty two Shillings, and no Corn, whereas the antient Rent was twenty two Shillings and four Pence. This Lease was void within the Stat. of the 13th and 18th of *Eliz.* *Dumport's Case*. If the yearly Rent be reserved tho' the Harriot and other casual Services be omitted; yet it is sufficient; and so it was resolved in the Dean and Chap. of *Worcester's Case*. Harriots being no annual Rent. It must be *verus & antiquus redditus*. Therefore if the lessee reserves a lesser Rent for a Term, and afterwards the full Rent, it is not good; for it must be antient Rent during the Term, and the Term and intire Term is all one and the same thing.

Keb. Rep.

If a College has two distinct Mannors that have been usually demised together, and one intire Rent is reserved for both Mannors, and these being out of Lease, the College may demise them severally, reserving Rents amounting in the whole rateably and good.

6 Rep. p. 37.

Ninthly, Such Lease must not be made without Impeachment of Waste; therefore if a Lease be made for Life to one, the Remainder to another for Life, the Remainder to a Third for Life, this is not good against the Successor, tho' but for three Lives, because the Remainders make the present Tenants dispensable for Waste for the Time, 1 *Inst.* 44. But if a Lease be made to one during three Lives, this is good; for the Occupant shall, if any happen, be punished for Waste: And thus far of Leases made by Colleges.

The Master and Fellows of *Magdalen-College* in *Cambridge*, convey'd the Land and Parcel of their

their College to Queen *Eliz.* against which they were restrained by Act of Parliament; upon 13 *Eliz.* which Conveyance a Rent was reserved. The Master of the College accepts the Rent and gives Receipt for it under his Hand, (not under the College Seal) this Acceptance of the Rent by the Master, shall not disable and conclude him and the Fellows to enter into the Lands so aliened; for that this Body Politick is a Body aggregate of many, and the Master only by his Acceptance may not divest any Right or Interest which is in him and the Fellows, and conclude him (especially it being without a Deed) to enter into the same.

Coke II.

1st Q. If the said Conveyance made to Queen *Eliz.* by the Master and Fellows of the said House, of Parcel of the Possession, after the Act of 13. of *Eliz.* was restrain'd by the said Act? *Per Curiam* the Act of the 13th of *Eliz.* restrains the said Master and Fellows to convey the House to the Queen: Tho' the Queen is not named in the Act, she is within the Words, any Person or Persons, Body Politick, &c. and the Intent for the Preservation of Church and College-Land, &c. 2^d Reason. The Master and Fellows are disabled by the said Act to grant, and then if they are disabled, the Queen may not take of them.

2^d Q. Admitting the said Conveyance was restrained by the Act of 13 *Eliz.* whether the said Act of 18 *Eliz.* had supplied the Defect of it, and made it perfect? *Per Cur.* The Stat. of the 18th of *Eliz.* had not given any Vigour or Effect to the Grant made to the Queen; for such Conveyances are made by that Act which is for Satisfaction of Debts and Sums of Money, or other good Consideration; and this Grant to the Queen not being for any Debt, Sum of Money,

ney, or other good Consideration, it is out of the Letter of the Act, and the Rent was not payable till *Michaelmas*, and the Queen was compellable to grant in *April*. But admitting it had been for Satisfaction or Sum of Money, or other good Consideration, yet the Act of the 18th of *Eliz.* shall not extend to this Case, for they are disabled by an Act of Parliament in the 13th of *Eliz.*

Q. 3. If the said Fine and Non-claim for five Years shall bind the Right of the said College? *Per Curiam* it shall not. The Fine doth not bind them. The Estate convey'd to the Queen was good, during the Life-time of the then Master or President, who was alive at the Time of the Fine levied, and could enter or claim during his Life (for so long it was good) but if the succeeding Master enters within five Years after his Death, this Entry shall avoid the Fine. *Magdalen College Case.*

Cok. 11. Rep.

If a College be without or wants a Head, it cannot make Claim, or continue Claim, because the Fellows have then no Ability or Capacity to sue any Action; and a Grant so made to them is void, because the Body is not then compleat: But in that Case, if a Lease for Life be made, the Remainder to the Warden and Fellows of *Merton*, the Remainder is good, if there be a Warden elected during the particular Estate.

1 Inf. 3. a.

If by License Lands are given to the President and Fellows of the College of the Holy and Undivided *Trinity* in *Oxon.* this is good, tho' the President be not named by his proper Name, if there were a President at the Time of the Grant made; but in pleading he must shew his Proper Name: And the Judges in the 13th of *Edward IV.* held the Grant good to a Mayor, Alder-

ermen and Commonalty, although the Mayor was not named by his proper Name, but in pleading he must shew it.

Upon an *Ejectione firma* the Plaintiff declared upon a Lease made by the Warden and Fellows of *All-Souls College* in *Oxon.* without naming any Name of the Warden; and, by the Court the Declaration was held good enough, and they relied especially upon the Book of 21 *Ed.* 4. 15, 16. where an Action of Debt was brought by the Dean and Chapter without any Christian Name, and the Writ was held good. And by *Anderson* it stands with Reason, forasmuch as the College was incorporated by the Name of Warden and Fellows, and not by any Christian Name, that they may purchase and lease by such Name, without any Christian Name, and may be impleaded, and implead others by such Name; and as the Fellows need not in such Case to be named by their Christian Names, no more ought the Warden; and 12 *Hen.* 4. 151. is, that if a Lease be made by Dean and Chapter in these Words, *viz. Nos Decanus & Capitulum*, the same Lease is void: which was granted by the Court in *Carter and Claycrade's Case.* 1 *Lev.* 307.

Merton-College in *Oxford* was incorporated by the Name of *Guardiani & Scholarium Domus sive Collegii Scholarium de Merton in Universitate Oxon.* and they afterwards made a Lease *per nomen Custodis Domus sive Collegii de Merton in Oxon. & Scholarium ejusdem Domus*; and four Variations were observed, 1st, *Guardianus, Custos.* 2^{dly}, The Sense was *per nomen Domus sive Collegii de Merton*, omitting the Word *Scholarium.* 3^{dly}, For in *Universitate Oxon.* the Lease was in *Oxonia.* 4^{thly}, *Scholares* was misplaced, for they come in the End, whereas in the Charter of Incorporation, they are named immediately after

after the Guardian. *Per Curiam*, the second Variance is Substance, for the Charter had baptized the College by the Name of the College of the Scholars of *Merton*, and they have made a Lease by the Name of the College of *Merton* himself, who in Truth was the Founder. But *Hobart*, p. 125. thinks this a hard Judgment, which he should have hardly given; for since they were named Scholars of the House in one Part of the Name, it must follow, that it was the House of the same Scholars, as the Burgeffes of *Lyn* implied that *Lyn* was a Borough.

Aula Regina in Oxon. was incorporated by this Name, viz. *Præpositus & Scholares Aula Regina de Oxon.* and they make a Lease by the Name of *Præpositi, Sociorum, & Scholarium Aula vel Collegii Regina in Universitate Oxon.* in which there are three Additions, (*Sociorum*) (*vel Collegii*) (*Universitat.*) and one Alteration, viz. *de* for *in*, yet it was resolved to be good enough, and the College is nominated in such Case, as it might well be distinguish'd. *Ayre's Case.*

Cok. 1. Rep.

King *Henry VIII.* incorporated the Scholars of *Trinity College* in *Cambridge*, by the Name of Master, Fellows and Scholars, *Collegii Sancti & Individua Trinitatis* in the Town and University of *Cambridge*; and in the first of *Edw. VI.* they made a Lease by the Name of Master and Fellows of *Trinity-College* in *Cambridge*, leaving out the University. *Telverton* argued, that this was a void Lease, as if it had been made by the Master and Fellows of *Trinity-College* in the Town, and left out the University of *Cambridge*, it had been void. *Walter contra*, who cited the Opinion of the Lord *Popham* in *Burton's Case*, that a Corporation cannot be limited to a County, as *probos homines* of such a County, but it ought to be restrained

rain'd to some certain Place ; besides, the University is not local but personal, as King Henry III. intending to keep a Parliament at Oxford, directed his Writ to the Chancellor and University of Oxon. commanding them that they remove the University to such a Place till the Parliament should be ended, and afterwards sent his Writ and willed them to return ; so that by this it appears, that the University is a personal and not a local Thing ; for if it were a Place it could not be removed. The Lord North's Case was this, *Christ-Church* in *Oxford* was incorporated by the Name of the Dean and Canons of *Christ-Church* in *Oxon.* and they made Feofment by the Name of the Dean and Canons of *Christ-Church* in the University of *Oxon.* and it was adjudg'd a good Feofment, &c.

2. Brownl.
Rep. 243.

But this Case of the Dean and Chapter of *Christ-Church* is more fully reported in my Lord Chief Justice Popham, p. 56. under the Name of *Button* and *Wrightman's* Case.

The Dean and Chapter of *Christ-Church* in *Oxon.* were incorporated by King Henry VIII. by his Letters Patents, by the Name of *Dean and Chapter of the Cathedral Church, &c. in Oxon.* of the Foundation of K. Henry VIII. and so to be called for ever. The Dean and Chapter being seized of an House and Land in Fee in judgement, &c. by the Name of the Dean and Chapter *Ecclesie Cathedralis Christi in Academia Oxon.* by *Fundatione H. 8.* enfeoffed the Lord North by Deed, dated 1 Ed. VI. the Plaintiff claimed by Lease under Queen Eliz. and in a special Verdict it was found, that the City of *Oxford* and the University of *Oxford* were all one. per Popham, Gawdy and Clench, this is not such a Misnomer as shall make the Feofment void ; nor suppose it had been *Decanus & Capitulum Ecclesie*

clesia Cathedralis Christi in Civitat. Oxon. it had been good, for *Oxon.* and *Civitas Oxon.* are one and the same thing. And by *Popham* the Place of a Corporation may be well resembled to the Sur-name of a Man; and it is not good to say Mayor and Commonalty, Dean and Chapter, without saying of what Place. And in the Case of a Corporation 'tis sufficient to have a just Demonstration of the Place where the Corporation is, altho' it be not by the precise Words comprized in the Charter. And the naming *Academia Oxon. pro Villa Oxon.* is good, because it tends but to a particular Place, as a City, Town &c. But to erect an Hospital by the Name of an Hospital in the County of Surry, or in the Bishoprick of *Winton* is not good, because he is bound to a Place too large and uncertain; but a College erected in *Academia Oxon. vel Cantab.* is good for the Reason aforesaid.

Action on the Case against *Hawkshead* for taking Toll for Passage over the West End Bridge of *W.* and shews for Title the Letters Patents of King *Henry VI. anno 2do regni* to the College of *All-Souls* in *Oxford*, for them, their Tenants and Farmers, to be quit of Toll, and conveys himself as Farmer to the College; yet the Defendant for such a Time had taken Toll of him against the Form of the Patent, &c. The Defendant pleaded in Bar the Statute of the 28th of *Hen. 6.* of Resumption of all Liberties and Franchises formerly granted by *Hen. 6.* The Plaintiff by Way of Replication pleaded the Statute of the 4th of *Hen. 7.* by which all the Patents granted by *Hen. 6.* to this College, are made good, the Statute of the 28th of *Hen. 6.* notwithstanding. The Defendant demurred, this is no Departure; for there is no new Matter contained in the Replication, other than what

was in the Declaration ; for the Title of the Plaintiff still remains upon the Letters Patents, and is one Title in one and the other. *Wood and Hawkshead.*

Relv. 13, 14.

Although these Colleges by their Foundation have not any Jurisdiction or commanding Power, yet nevertheless they have always a restraining Authority given them by their Statutes and Privileges ; which Authority is sometimes without and sometimes with a Limitation ; but when it is without any Limitation or Restriction, it is left unto the Wisdom and Discretion of the Head and Governing Part thereof ; and this Power ought to be used and exercised with the same Tenderneſs and Moderation as a wiſe Father would exhibit in the Chaffiſement and Correction of his Children, and not with Rigor and Cruelty. Altho' Heads and Governors of Colleges are inveſted with this Power of correcting and puniſhing their Fellows and Scholars, yet this ought only to be underſtood in light Matters, and for ſuch Crimes and Miſdemours alone as are expreſs'd in their *Local Statutes*, or deducible from thence, according to the Exigency of the ſame ; but they cannot proceed and correct as the Magiſtrate doth, by the Prince's Commiſſion and Authority.

In all Colleges, if the Queſtion be concerning any thing which is common to the Fellows in particular, and as a Part from the Community, as a Chamber, &c. the expreſs Conſent of every one of them is therein particularly neceſſary : But if the Queſtion be concerning that which is common to them all jointly and indiviſibly, it is ſufficient, if the greater Part of them concur in the ſame Opinion ; for they bind the reſt ; provided always, that nothing be ordained or decreed contrary to the College Statutes

legally establish'd, or the Laws of the Realm.

Thus the College-Statutes and the Laws of the Realm standing entire, the greater part of the College may make Decrees and Ordinances for the publick Welfare, which shall oblige the lesser Part altogether, and every Fellow in particular: And thus also may all Acts and Decrees, which have pass'd the Consent and Approbation of the whole College, be repealed and abrogated by the greater Part, or according to the *Civil* and *Canon* Law (as already noted) by two Parts in three of the Body assembled.

A Person chosen by a College to treat of and conclude Matters common to the whole Society shall bind every particular Fellow thereof, and such Agents Commission be *cum nuda relatione* to the College: But sometimes he is only deputed to treat and debate Matters, and then to make a Report of his Proceedings to the College itself, whereby he concludes nothing without the express Consent of the Body.

If there should be a Statute made, which requires the Consent of every individual Fellow in Matters relating to the College in general, such Statute would be null and void from the Beginning; for if that might take Place, every particular Fellow by himself alone might impeach and hinder the wisest Decrees and Resolutions of the whole Society; which is contrary to the former Disposition of the Law, requiring that in all Acts touching a Corporation, the Judgment of the greater Part should prevail over the lesser. And such a Majority may give Laws to all the Fellows in particular, whether the rest of them be there present or not; for 'tis not necessary they should all be present for this End, and that especially in Matters of light Importance, so that they be all summon'd thereunto. The

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Consent of the greatest Part must be had and given in the common Assembly of the College : For tho' all the Fellows should separately and part agree unto any thing common unto them all, yet such Act of Agreement is not effectual or valid ; no, not altho' it should be done in the Presence of a Publick Notary : For that is not done by the College, which is executed by the Fellows singly. Nor is it sufficient that the College be assembled, unless the Act be done in due Time and Place : For the Fellows are not bound to assemble at all Times and in all places, as I have intimated already.

But in a Corporation within a Corporation this common Consent of the major Part does not always oblige, nay never does proceed, where there are Persons acting under different Characters, Denominations and Capacities, unless an uninterrupted immemorial Custom, or some Statute, has rendred it otherwise, by requiring only common Consent : and in confirmation hereof, I will cite a Case of my Lord *Dyer's Reports*, pag. 247. *A.* where 'tis said, That the Warden, three Bursars, five Deans, and five Senior Fellows of *New College* in *Oxford*, have Authority given them by the peculiar Statutes of the House, to dispense with the Absence of a Fellow above the Space of two Months, to the Observation of which Statute they all take an Oath. The greater Part of them granted and assented unto such Dispensation, and the Residue deny'd it. It was adjudg'd by the Opinion of the two Chief Justices, the Chief Baron, Justice *Whyddon*, *Brown* and *Weston*, that this is not a good Dispensation or Leave of Absence ; for that it is out of the Case of the Statute of the 33d of *Henry the 8th*, Chap. 27th, which extends to Grants of Leases and other

Grants and Elections made by the greater Part of the whole Number of the Corporation, and not to any particular Number, as the Case is here. *Vide ante* of Negative Voices, Page 16.

By the *Civil* and *Canon* Law, a Person cannot be a Fellow in two Colleges at one and the same Time; which is to be understood, when the Studies and Exercises of one College do thwart and impeach his Studies and Exercises in the other; and especially if these different Colleges have no Subordination the one to the other: for it may happen that he may be summon'd at one and the same time to these different Colleges, and he cannot serve both. *Abbas super 3. Decretalium, Cap. 14. Num. 4.*

A College is presum'd to be an Ecclesiastical Body or Corporation (as has been said) according to the *Canon* Law, if the Number of *Clerks* be equal to or greater than that of the *Laicks*; and if not, it is confessed to be a Lay-Corporation. And no doubt our wise Founders of Colleges in our two Universities intended to make their Foundations as much Ecclesiastical as in them they lay, as appears by the Style and Dispensation of their Statutes, which follow the Model of the *Canon* Law, for the most part, and square best with it. Colleges erected for Learning within this Realm of *England* indeed were never accounted (as I can learn on the best Search I am able to make in our Law-Books) to be of Ecclesiastical Commencement, or subject entirely to the Disposition of the *Canon* Law. Popes as well as Princes (it is true) have confirm'd the same by their Grants, and by this means have attempted to bring them under the Dominion of the Church: But their Papal Bulls have ever been disallowed in our Courts of Law, as favouring of an usurp'd Jurisdiction, which

which they came into through the Weakness of some of our Kings, and the Broils they met with both at home and abroad : And thus it happen'd, that the two Foundations of *New College* and *Maudlin's* in *Oxford* were confirm'd and establish'd by Papal as well as Royal Authority, their two Founders dreading the Consequences of the Pope's future Greatness here in *England*. By a memorable Commission in the Reign of *Queen Elizabeth*, occasion'd through the Appeal of *William Wilson* to the Court of *Arches*, from the Determination of the Bishop of *Lincoln*, the Local Visitor of *Lincoln College* in *Oxford*, it was adjudg'd on the Petition of the Chancellor, Doctors, Masters and Scholars of this University, in the behalf and for the Preservation of their Liberties, Privileges, Exemptions, &c. that all Colleges within the two Universities of *Oxford* and *Cambridge* were Lay-Corporations, and that it was in no Founder's Power to subject them to a spiritual Jurisdiction ; it being urg'd on the Part of *Wilson*, that the Bishop of *Lincoln* was Visitor of that College only of *Common Right*, and not by any Appointment of the Founder ; and consequently there being no Papal Exemption from the Power of the Diocesan, it must by Appeal from him devolve to the Arch-Bishop, and his Official, *jure Metropolitico*. This Case happen'd in the Business of an Election to the Rectorship of this College, wherein *Wilson* was by the Arch-Bishop of *Canterbury* recommended to the Choice of the Fellows, and therefore probably the Archiepiscopal Power by way of Appeal was thought on for the Confirmation of *Wilson's* Election, in opposition to that of *John Underhill*, Fellow of *New College*, and Rector duly Elect of *Lincoln*, who was recommended to the So-

ciety by the Earl of *Leceister*, then Chancellor of the University. Those who have endeavour'd to render Colleges Ecclesiastical Corporations, have supported their Opinions in the following manner: *First*, they say, that they are in Law to be accounted Ecclesiastical Corporations, because the Fellows thereof are called *Clerks*, and therefore their Study is Theology; and the Statutes of the College are, that they must enter into holy Orders, and so every College is of a spiritual Foundation. *Secondly*, Colleges are governed as other Ecclesiastical Corporations are, 8 *Aff. Pl.* 29, and 31 3. *Thirdly*, That a Thing of an Ecclesiastical Nature may be annex'd unto a College, as an Impropriation, &c. And *Fourthly*, That Colleges are in several Acts of Parliament reckon'd among spiritual Corporations, as in the 13th of *Eliz. Chap.* 10, &c. In answer to the first Objection, it is affirm'd by *Bodin*, in his Review of the Council of *Trent*, by *Selden* in his Dissertations on *Fleta*, and many other excellent Lawyers, Historians, &c. that *Clerks* and *Scholars* are only synonymous Terms. And this appears from the principal End of the Foundation of our Colleges, viz. Study and a Religious Education (as has been already remembred in the Beginning of this Chapter.) And *Cambden*, in his *Britannia*, p. 381. says, that Places of Learning were in antient Time called *Studia generalia*, for that they were designed *pro bonarum literarum studio*; *ad studendum & orandum*. I shall proceed on the first as it chiefly has a Relation to *Clerks* and *Scholars* maintain'd and nurs'd up in these Societies, as by experience we see has always been in Human Learning principally, such as Logick, Philosophy, Mathematicks, &c. So that there is a plain Distinction to be made between

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tween Colleges in the University, and Religious Houses : And *Stow*, in reckoning up all the Colleges in both Universities, and their Foundations, shewing some originally founded for *Grammar*, others for *Logick*, and others for other Sciences, reckons none of them barely for Ecclesiastical Matters. *Lindwood*, 155. *Cap. de Magistris*, says, a College is only *Habitaculum Scholarium* ; and 161. *Cap. de Hereticis verbis ipsius loci*, where treating of the Jurisdiction of the Ordinary in punishing Hereticks, he puts this Question, What if the Place be *non habens Ecclesiam parochialem, qui est locus Religiosus vel Collegium, aliussue locus qui non subest Ecclesie parochiali* ? So that *Collegium*, which is a Habitation for Scholars, is a Place distinct from *locus Religiosus* : And in truth, if we observe the Foundation of all Religious and Ecclesiastical Corporations and Societies, no one was ever seen, whose End was *ad studendum* ; their Design was either to pray for the Souls of Men departed this Life, or to observe such and such Canonical Hours, according to such and such an Order, their Mattins, Vespers, Compline, and other solemn Offices tending to Divine Worship, which was already provided to their Hands, and such as Men of little or no Learning might perform. They might contemplate upon what was already invented, studied and agreed on, but not to excogitate new Matters in Religion : In short, they went on in a Circle, and where they left off at Night they began the next Morning ; they were not enjoin'd *ad studendum*, but *ad celebrandum divina*. It is true, some Members of such Corporations and Foundations have been Students, and have written learned Tracts, and have profited much in the liberal Arts and Sciences ; but they were not

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p. 108.

commanded by the Rules of their Societies so to do; for 'tis not Study, but the entire End of celebrating of Divine Worship, that makes an Ecclesiastical Corporation. For suppose a Man should erect a Society, and direct that it should be to study the Schoolmen or the Fathers, to enable them in the Polemical Parts of Theology, or to paraphrase or make a Comment on the Bible, as the *Schola Conimbricensis* did upon Aristotle, this wou'd not be a spiritual Corporation; for that the Spirituality consists in *celebrando divina & fungendo divinis officiis*, and not in *studendo*. *Ad orandum* is no more than what is imply'd; for Prayer must be concomitant with all Studies: A Lawyer, by my Lord Coke's Rule of *Quatuor orabis*, may be as well an Ecclesiastical Person, if *ad orandum* wou'd render him Ecclesiastical. It may be said of this Word *ad orandum*, as Lindwood expounds the Words of *circumspectè agatis de mortali peccato*. 1st, Says he, *non intelligas de omni peccato mortali, sed de tali cujus punitio de sui naturâ spectat ad forum Ecclesiasticum*; for if the Church should take cognizance *de ratione cujuslibet peccati mortalis, periret gladii temporalis jurisdictio*; for that every evil Act would have somewhat of mortal Sin in it: So if the Injunction of saying ones Prayers wou'd make a Corporation spiritual, none of those, which are without doubt Lay-Hospitals, but in their Creation wou'd be spiritual. Nay, in *Pits* and *James's Case* Prayer for Souls was enjoined, and yet the Hospital was Lay. Antiently a Spiritual Corporation was not chargeable with Subsidies, nor taxed among the Laity. Now a College in the University, and likewise the Colleges of *Eaton*, *Westminster*, and *Winchester* are so taxed in every Act of Subsidy, as we may see 21 Jac. 1. 3 Car. 1. and the last Act for Sub-

Hob. 121.

Subsidies, 15 Car. 2, &c. only there is a *Proviso* to dispense with the Payment thereof. Again, the University sends Burgeffes to the Parliament, which they cou'd not do, if they were a spiritual Corporation, & *eadem est ratio partis & motus*; if the whole be Lay, the essential Parts cannot be spiritual; and therefore Colleges herein must be Lay Corporations. Moreover their constant Application is to the Temporal Power upon all Occasions of Grievances among them, whereby the ordinary Jurisdiction of the Diocesan has been always pass'd by or set aside, as having nothing to do in these Matters. For answer to the *Second* Objection, *viz.* Colleges are govern'd as other Ecclesiastical Corporations are: It is granted that the Local Statutes of Colleges are for the most part framed and conceived according to the Style of the *Canon Law* (as has been already affirm'd) and therefore they are well expounded by the Rules and Maxims of that Law; yet it is truly known, that if the Founder of a College should prescribe any Statutes or Institutions for the Government of his Society, which are contrary to the Temporal Laws of the Land, such Rules are void of themselves, and want no Judgment to make them so. *Thirdly*, It has been alledg'd, that a thing of an Ecclesiastical or Spiritual Nature may be annex'd to a College, which has been yet judicially resolved, and none have been so: since all the Impropriations they now have, were heretofore appropriated to Religious Houses before their Dissolution; and moreover it has never been yet decided, whether an Impropriation may not be to a Lay Corporation, there being no Judgment in *Alden* and *Totbill's* Case. Having said sufficient at present to evince Colleges to be of Lay Corporation,

tion, I will reserve my Answer to the 4th Exception to a more proper Place.

The Resignation of a Head of a College ought to be made in *Collegii gremium*, to the Use and Behoof of the College, and not into the Hands of any particular Person, as Sub-warden, Vice-President, &c. But a Fellow ought to make his Resignation into the Hands of his Superior or Governor, to the Use of his Successor. These Resignations ought to be made freely and voluntarily, and not thro' Fear or Compulsion: Nor may the Head of a College, upon the lawful Tender of a Resignation made, refuse to accept the same, where there is a Person already nominated and elected to succeed the Party renouncing his Right to a Fellowship therein; and if he shou'd so refuse, no doubt but that a *Mandamus* wou'd be awarded to admit the Nominee; and if such Nominee refused, shou'd be by any means defeated of his Right, a good Action for Damages wou'd lie against the Person thus refusing to admit him.

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Part 4. p. 368.

In the Case of *Baskerville*, it was said, that if the Nominee has any Wrong done him, he ought to apply to the Local Visitor for a Remedy, and not to the *Kings Bench* for its Interposition, until his Sentence; but it was answer'd, that he hath no Jurisdiction in this Case, for two especial Reasons: First, He is only a private Judge appointed by the Founder, or the Law, to determine Offences against the Laws of the College or Place whereof he is Visitor, and to decide Differences between Persons already admitted to partake of the Founder's Charity, upon a Complaint or Appeal made to him; so that his Power only extends over Collegiate Persons and Things: But here the Nominee is not of the College before Admittance,

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and therefore this Court may compel an Admittance: And 'tis as reasonable, that this Court shou'd grant a *Mandamus* to the College to admit Persons, as to grant such Writs to Corporations, or to a particular Company, to make a Man free thereof; for where the Cases are alike, the Remedies should also concur. Secondly, The Power of a Visitor is only to determine Rights upon Statutes, and not upon Grants and foreign Nominations. *Sed quare*, whether it be not more adviseable to bring an Action on the Case for Damages, than to apply to the upper Bench for Relief, which I leave to every Man's Discretion. According to the *Civil* and *Canon* Laws, in all Points of Elections, he that canvasses or solicits the Suffrages of the Electors for the Choice of himself, renders himself unfit for the Dignity or Preferment to be disposed in this manner; nay, so severe is the *Canon Law* *Vide Ab. de Elect. cap. per Inquis. n. 5.* herein, that it deems a Person guilty of Simony, who emits and puts up Prayers for his own Election: And it were much to be wished, that these kind of Elections in Colleges, procur'd by Canvassing, and other undue Practices, were altogether as odious among the Electors, and as severely adjudged and animadverted on by the Visitors of Colleges. In all Elections whatsoever, the Electors ought to have a publick Summons given them by the Person, whose Duty and Business it is to call an Assembly to that End.

Bursars of Colleges are the Administrators and Dispensers of the College Goods and Money, and therefore ought to render an Account of their Trust: and in what Case soever any certain Number of Persons do assume to execute this Office or Commission of Trust *indistinctly*, there (it seems) they do all in Law, if not

not by some exprels Agreement, promise and become Sureties jointly and severally for the Care and Honesty of each other *in toto & per solidum*; and so may be jointly or severally impleaded for the Fraud or Negligence of one or all of them: For it often happens, that in Commissions so executed, the better Condition of one of them is sufficient Security against the Frauds and Laches of them all. But it is otherwise, if they act separately in respect of such Office or Commission of Trust, for then some foreign Caution may be thought requisite and necessary, since in this Case the Fraud and Negligence of the one will not reach the other; because they perform this Trust *distinctly*, and are not Centinels on each others Proceedings, as in the former Case; and also for that one Person cannot be of equal Security in Law to many join'd in the same Trust or Office; and therefore in the former Case they are not only severally, but also jointly bound for the due Performance of this Trust, *Socius tenetur Socio pro Rata, sed aliis in solidum*, says Straccha. *Vide Decis. Rota Gen. 97. N. 8.* And these Rules are not only supported by the Civil Law, but also by the Municipal Laws of this Realm, and are of constant Use and Practice among us.

The subscribing Bursars Accounts is a present Satisfaction to the Parties subscribing the same, but no absolute Approbation thereof; since in passing all Accounts, Errors are excepted on both sides; and this Subscription may perhaps bar an Action of Account *stricto jure*, yet an Action *bonae fidei*, i. e. an Equity, will not be precluded thereby, if the Error be detected, prov'd, and the Action brought within a reasonable Time after such Subscription and Approbation. *Vide Marant. Prax. p. 95. n. 71.* By the

Dec. Conf.
197. per tot.
Mar. Dec.
780. N. ult.
Vol. I. Max.
Conc. 1314.
per tot. Rip.
in L. si is qui
bona N. 4.
H. de pig.
Chancery Ca-
ses. Part I.
pag. 127.

the Act of Limitation of Actions, an Action of ^{21 Jac. 1.} Account must be brought within six Years, un- ^{ch. 16.} less among Merchants. If an Accountant has lost his Papers or Books by no Default of his own, he shall not be charged beyond his own oath. Upon a Review of an Account by way *Chancery Ca-* of Exception of Error, the Account already *ses, Part 1.* stated shall not be again inquir'd or ravelled in- *p. 299.* p, but by charging of Particulars.

If the Head of a College labours under any defect or Disability of Mind, whereby he becomes incapable of administering or discharging his Office, as it was the Case of the late *Princi-* al of *Brazen-nose College in Oxford*, an Act done by him, or in his Bodily Presence, is null and void, if his Presence be necessarily requir'd hereunto. By Presence here I understand that chiefly of the Mind, as the Understanding and Consent of the Person; for a Man who is both deaf and dumb, if he can be made to under- stand by Signs and Tokens, so as to give a Con- sent, he is present in Mind; and may act as an Agent perfect in Body; for that is said to be done in the Presence of any one, which is done *coram intelligente & prudente. L. coram 299.* *de VeO.*

In all Collegiate Matters, wherein a Fellow acts in pursuance of his general Oath taken at the Time of his Admission into the Society, and not by virtue of any particular prescript Form in the Statutes, and wherein his personal Pre- sence is not specially requir'd, he may act and vote by leaving Proxy with one of his Fellows Collegiate; But this is not practis'd (as I know) in this University; yet such a Proxy cannot be refus'd or deny'd.

The Provost, Fellows and Scholars of *Queen's College, Oxon.* are Guardians of the Hospital call'd

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call'd *God's-House* in *Southampton*, and they lease Lands, Parcel of the Possession of this House, by the Name of *Præpositus, Socii & Scholares Coll. Reginensis Oxon. Gardianus Hospitalis*; and in an Ejectment on this Lease, it was found for the Plaintiff. In Arrest of Judgment it was objected, that this Word *Gardianus* ought to be in the Plural Number, for that the College consists of many Persons, and like Abbot and Convent: but the Exception was not allowed.

By an Act of Parliament in the 43^d of *Eliz.* Chap. the 4th, being *An Act to redress the Mis-employment of Lands, Goods and Stocks of Money, heretofore given to charitable Uses*; it is therein provided, that neither this Act, nor any thing therein contain'd, shall in any wise extend to any Lands, Tenements, Rents, Annuities, Profits, Goods, Chattels, Money or Stocks of Money, given, limited, assigned or appointed, or which shall be given, limited, appointed or assigned to any College, Hall, or House of Learning within the Universities of *Oxford* or *Cambridge*, or to the Colleges of *Westminster*, *Eton*, or *Winchester*, or any of them, or to any Cathedral or Collegiate Church within this Realm.

By the 18th Article of *K. Henry the 8th's* Charter, granted to the University of *Oxford* in the 14th Year of his Reign, bearing Date the first Day of *April*, all Farmers and Tenants to Colleges within the said University, are exonerated and discharg'd from all Prisages, Chimnages, Captions and Carriages of Horses, Carts, Waggons, &c. and are also thereby exempted from the Payment of all Tolls of Wheat, Barley, Oats, Pease, Beans, and all Grain whatsoever, and likewise for all manner of Victuals sold in Markets, up and down the Realm of *England*: and there should be some subsequent Royal

Royal Charters since granted, giving the like Toll and Duties to this or that Market; yet such Charter will destroy or defeat the Privilege of Colleges, King *Henry* confirmed unto them by Act of Parliament, which no Royal Grant can overthrow.

By the 16th of King *James's* Canons and Constitutions Ecclesiastical, agreed upon by the Convocation of the Clergy assembled *Anno* 1603. it is ordained, That in all Colleges and Halls in both Universities, the Order, Form and Ceremonies used in the whole Divine Service of the Liturgy, and Administration of the holy Communion, shall be duly observed, as they are set down and prescribed in our Book of Common Prayer, without any Omission or Alteration: And by the 17th of the said Canons and Constitutions, all Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall in their Churches and Chapels, upon all Sundays, Holydays, and their Eves, at the Time of Divine Service, wear Surplices according to the Order of the Church of *England*; and such as are Graduates shall agreeably wear with their Surplices such Hoods as do severally appertain unto their Degrees.

Likewise by the 23^d of these Canons and Constitutions, it is ordained, that in all Colleges and Halls, within both the Universities, the Masters and Fellows, and such especially as have any Pupils, shall be careful that all their said Pupils, and the rest that remain among them, be well brought up and thoroughly instructed in Points of Religion, and that they do diligently frequent Divine Service and publick Sermons, and receive the holy Communion, which is ordain'd to be administred in all such Colleges

Colleges and Halls the first or second Sunday of every Month : And all the said Masters, Fellows and Scholars, and all the rest of the Students, Officers, and all other the Servants, are hereby requir'd to communicate four Times a Year at least, kneeling reverently and decently on their Knees, according to the Order of the Communion Book prescribed in that behalf.

Altho' there be no other than these three Canons, which have any express Relation to the godly Government of Colleges and Halls in our two Universities ; yet the Students therein are comprehended and subject to the general Direction of them, wheresoever they may be concern'd, as Christians, and of the Church of *England* ; notwithstanding the wild Opinions of some Persons, who think themselves exempted by the Act of Toleration.

By the 19th Section in an Act of Parliament made in the first Year of *Edward* the 6th's Reign, Chap. the 14th, entitled, *An Act for Chantries Collegiate*, it is provided, that this Act, or any Article, Clause, or Matter contained in the same, shall not in any wise extend to any College, Hostel or Hall, being within either the Universities of *Cambridge* and *Oxford*, nor to any Chantry founded in any of the Colleges, Hostels or Halls, being in the same Universities, nor to the College called *St. Mary's College of Winchester*, besides *Winchester*, of the Foundation of Bishop *Wickham*, nor to the College of *Eaton*, nor to any Mannors, Lands, Tenements or Hereditaments to any of them belonging : And yet by Sect. 10. of the same Act, it is enacted, That the King may at any Time during his Life and Pleasure, alter and change the Name or Names of all and singular Chantries, and the Foundations of the same, being

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in any of the Colleges, Hostels, or Halls of any of the said Universities, according as in his Godly Wisdom he shall think meet and convenient; and by the 37th Section of the said Act, it is provided and enacted, that the King's Majesty at any Time when it shall seem to him good, may empower his Commissioners to alter the Nature and Condition of all manner of *Obits*, as well within the Universities of *Cambridge* and *Oxford*, as in any other Place within the Realm of *England* and *Wales*, being not suppress'd nor annihilated by Virtue of this present Act, and the same *Obits* so alter'd, to dispose of them to a better Use, as to the Relief of some poor Men being Students or otherwise.

The Dean and Chapter of *Christ-Church* in *Oxford* commenced an Action of Trespass, or (in the Phrase of the *Civil Law*) an Action of Injury and Damage before the Vice-Chancellor of the University against *John Parrot*, *Leon. Williams*, and *Hen. Ansell*, Gent. who were thereupon arrested, and committed to Prison, &c. till such time as they should put in Stipulation to answer the Plaintiffs Action, to exhibit a judicial Attendance during the Proceedings in this Cause, and to satisfy the Judgment thereof, &c. And moreover it was alledged on the Part of the said Dean and Chapter; That the Defendants *John Parrot*, *Leon. Williams*, and *Hen. Ansell*, did enter into the Plaintiffs Lands, Pastures and Woods at *Hinksey*, by Force and Arms, and did there tread down their Corn, Hedges and Grass, and commit divers other Enormities, as more fully appears in the Libel given in this Cause, and remaining at the Acts of Court. But some few Days after this Imprisonment, the Defendants then in Custody, by their Attorney, served the Vice-Chancellor

Bail.

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with a Writ of *Habeas Corpus cum causa*, issuing from the Lord Chief Justice of the *Queen's Bench*, and other the Justices of the said Court, and directed to the Mayor and Bailiffs of the City of *Oxford*, and to the Vice-Chancellor of the University, and also to the Keeper of the Prison commonly call'd *Bocardo*, commanding them to bring the Bodies of the said Defendants, together with the Day and Cause of their Arrest and Detention before them the said Justices on the Day therein prefix'd; which Writ was received with proper Reverence and Respect, and then communicated to the Convocation for their Advice, which House declared all Writs of this kind to be much in Derogation of the Privileges, Liberties and Immunities, of the University of *Oxford*, and that the same by Royal Grants had no Place or Effect therein, and this was signified to the aforesaid Justices of the *Queen's-Bench* by a special Messenger elected for this End, who appear'd before the said Justices, and in the Name of the whole University alledg'd, That he and every of them were by Oath oblig'd to observe the Statutes, Liberties, Privileges and Customs of the same; That the Chancellor and his Commissary or Deputy, has all and all manner of Jurisdiction and Power, where one of the Parties is a priviledg'd Person, and in all Causes and Matters whatsoever, (some few excepted) and therefore they cannot exhibit and produce the Bodies thus imprison'd and detain'd (as premis'd) without Breach of the University Privilege: And after this Allegation was discuss'd by the Court, it was adjudg'd, that the Defendants *Parrot*, *Williams*, and *Ansell*, should be discharg'd from Imprisonment, on their putting in sufficient Caution or Stipulation *de judicio sistendo & judicato solvendo*,

vendo, and to answer the said Dean and Chapter before the Vice-Chancellor or his Deputy ; yet notwithstanding this Award, the Parties imprison'd, on a Certificate thereof, refus'd to put in this Caution or Stipulation. Soon after another Writ was brought and directed to the same Persons as the first, commanding almost the same thing, but not as before *simply*, but now under a Penalty of 40 l. The Tenor of which Writ follows, *viz.* *Elizabetha Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Majori & Ballivis Civitatis nostræ Oxon. ac Vice-Cancellario Universitatis ejusdem Civitatis, nec non Custodi Prisionæ nostræ de Bocardo ibidem & eorum cuilibet Salutem. Precipimus vobis, quod corpora Johannis Parrot, Leon. Williams, & Henrici Ancell, Generos. in prisonâ nostrâ sub custodiâ vestrâ aut alicujus vestrâ (ut dicitur) detent' sub salvo & securo conductu, unâ cum die & causâ Detentionum & Captionum suarum quibuscunque nominibus iidem Johannes, Leonardus & Henricus censeantur in eâdem habeatis coram dilecto & fideli nostro Thomâ Gawdy Milite, uno Justiciariorum nostrorum ad Placita coram nobis tenend' assignat' apud Hospitium suum communiter vocat. Serjeants-Inn situatum in Chancery-lane, London. 15^o die instantis Mensis Februarii ad faciendum & recipiendum ea omnia & singula quæ iidem Justiciarius noster ad tunc & ibidem considerabit in hac parte : Et hoc nullatenus omittatis sub pœnâ 40 l. & tunc habeatis hoc Breve. Teste Wray apud Westmonasterium, x^o die Feb. anno Regni 26^o.* Hereupon the Vice-Chancellor going to London laid the whole Matter before the said Justices, especially Sir Thomas Gawdy, one of the Judges of the Common Pleas, and pleaded the Liberties and Privileges of the University, conferr'd by Royal Grants, establish'd by

Authority of Parliament, and strengthened by Length of Time and constant Usage; and perform'd all things meet and necessary touching the same with that Accuracy, that thinking he had fully satisfied the said Justices, he return'd home, to hear and determine this Action by his Assessor. But afterwards even a third Writ like unto the former was transmitted with the Commination of 100 Marks, the Tenor of which Writ is as follows, viz. *Elizabetha, Dei gratiâ Angliæ, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Majori & Ballivis Civitatis nostræ Oxon. ac Vice-Cancellario Universitatis ejusdem Civitatis, nec non Custodi Prisons nostræ de Bocardo, ibidem & eorum cuilibet Salutem. Precipimus vobis, quod corpora Johannis Parrot, Leonardus Williams, & Henrici Ancell, in Prisonâ nostrâ sub custodiâ vestrâ aut alicujus vestrum (ut dicitur) detent' sub salvo & securo conductu und cum die & causâ captionum & detentionum suarum quibuscunque nominibus iidem Johannes, Leonardus, & Henricus censeantur in eâdem habeatis coram dilecto & fideli nostro Gulielmo Ayliffe, uno Justiciariorum nostrorum ad placita in Curia nostrâ coram nobis tenend' assignat' die Jovis 27^o Febr. apud London. ad faciendum & recipiendum quod idem Justiciarius noster de iis ad tunc & ibidem considerabit in hac parte, & hoc nullatenus omitatis sub pœna 100 Marcarum: & habeatis ibi tunc hoc Breve. Teste Wray apud Westmonasterium, 12^o die Feb. anno regni nostri 26^o.* Whereupon the Vice-Chancellor, attended with certain Doctors of this University, did on the 27th of Febr. appear before the Right Honourable Sir William Ayliffe, and protest, in Maintenance of the Privileges and Liberties of the University, against these Proceedings: by asserting the said Writ (as appear'd to them) to be surreptitiously

ously obtain'd without the Knowledge of the Chief Justice: But a Return of the Writ was insisted on by the Court according to the Precept thereof, and that the Persons imprisoned were exhibited with the Days and Causes of their Imprisonment; to which the Vice-Chancellor in no ways submitted; but affixing his Answer to this Writ, he delivered the same to the Court with a notable reverence, which was as follows, viz. *Honorabili viro Gulielmo Ayliffe, uni Justiciariorum Dmina nostra Regina ad placita in Curia coram dicta Dominâ Regina tenend' nos Tho. Thornton S. T. P. ac Alma Universitatis Oxon. Vice-Cancellarius sive Commissarius certificamus, quod ante adventum istius Brevis huic Schemulæ annex' Johannes Parrot, Leonardus Williams, & Henricus Ansell, in Brevi predict' nominati, capti & arrestati fuerint infra praeinctum Universitatis, pretextu cujusdam Querelæ prius versus eos coram Vice-Cancellario Universitatis predict' sive ejus Deputato legitimo ad Sectam & Instantiam quarundam privilegiatarum personarum Decani & Capituli Ecclesie Cathedralis Christi Oxon. ex fundatione Regis Henrici VIII. affirmatæ in quâdam causâ Transgressionis sive Damni injuriarum dati: Et predict' Johannes Parrot, Leonardus Williams, & Henricus Ansell, sufficientem securitatem de judicio sistendi & legitime comparendi ad respondendum dictis privilegiatis personis, viz. Decano & Capitulo invenire recusarunt, prout & in presenti recusant; ideo in carcerem dejecti & ibi detenti sunt: & cum ab illustrissimæ Regine qua nunc est Progenitoribus quondam Angliæ Regibus ex speciali gratiâ & favore sit inter alia Academia Oxon. privilegia concessum, & ab eadem illustrissimâ Reginâ in actu Parlamenti confirmatum, Quod Cancellarius Universitatis predictæ ejusve Deputatus & eorum Successores, Sene-*

Schallus, Subseneschallus, & alii Judices per dictum Cancellarium legitime deputati, tam de Transgressionibus & Malefactis quam de Misprisionibus, Extortionibus, Conspirationibus, Confederationibus, Manutentiis, falsis Allegiantis, Computis, Contractibus, & Injuriis quibuscunque, ac omnibus aliis articulis, quæ cadere possunt in finem vel redemptionem, seu in aliam penam pecuniariam, & de aliis Contractibus, Placitis, & Querelis personalibus; & aliis Causis & Materiis quibuscunque quovunque nomine censeantur seu censi poterunt, Assisi & Placitis de libero Tenemento duntaxat exceptis, infra Villam Oxon. Suburbia ejusdem, & quatuor Hundreda eidem Villæ & Suburbis proxime adjacentia, nec non infra Comitatum Oxon. & Berks. vel alibi infra regnum Angliæ qualitercunque emergentibus, factis sive perpetratis, faciendis sive perpetrandis tam ad sectam Domine nostræ Reginæ, quam ad sectam partis vel alio modo quocunque, ubi Scholares vel eorum servientes seu Ministri, aut aliqua aliæ personæ quæ aliquo privilegio dictæ Universitatis gaudere debeant vel debeant, quos vel quem dictus Cancellarius, Commissarius ejusve locum-tenens clamare voluerint, est vel erit una partium per Scholares vel eorum Servientes aut Laicas gentes ejusdem Villæ Oxon. aut per alios inquirent aut inquirere possunt, & plenam Correctionem & Cognitionem inde habeant, & Executionem inde secundum Statuta & Consuetudines dictæ Universitatis vel Legem Regni Angliæ ad voluntatem prædictorum Cancellarii, Commissarii sive ejus Deputati faciant; ac omnes & singulos Articulos, Causas, Materias & Querelas, (exceptis præ-exceptis) audiant & terminent: Ac omnia & omnimoda Emolumenta, Forisfacturas & proficua inde provenientia ad commodum & utilitatem Universitatis prædictæ habeant, levent & percipiant per se aut Deputatos suos in perpetuum. Item, Quod nullus Justiciarius ad Placita coram Domina nostra Regina tenenda assignat

assignat' vel assignand' Justiciarius de Communi Banco, Justiciarius ad Affixas capiend' vel Goalas deliberand' vel Custodes pacis seu Justiciarius servientium, laboratorum, & artificum seu alii Justiciarii vel Judices quicunque Seneschallus vel Marefchallus, vel Clericus Mercati Hospitii Domine nostrae Reginae se in aliquo intromittant: Et si iidem Justiciarii aut alii Justiciarii Domine nostrae Reginae, seu eorum aliquis in praesentia vel absentia dictae Domine nostrae Reginae super aliquibus praemissis (exceptis praexceptis) inquirere vel aliquo qualiter cognoscere vel intromittere praesumpserint in futurum, iidem Justiciarii vel alii Ministri & Officiarii praedicti ad certificationem seu significationem Cancellarii Universitatis praedictae qui pro tempore fuerit, seu ejus Commissarii seu Locum-tenentis inquisitionibus & cognitionibus hujusmodi aut cuicunque processui, aut executioni inde qualitercunque faciendae omnino supersedeant & se inde ulterius in aliquo nullatenus intromittant. (And thus far out of the Charter mutatis mutandis.) Et cum nos Vice-Cancellarius sive Commissarius antedictus ad observandum Privilegia, Libertates, Consuetudines & Immunitates dictae Universitatis iurjurandi religione astricti sumus, ideo his de causis corpora praedictorum Parrot, Williams, & Ansell sine privilegiorum nostrorum violatione & juramenti laesione coram vobis praesentare & exhibere non possumus, ac proinde dictos Parrot, Williams & Ansell ad respondendum in Curia dictae Universitatis nec non causa praedictae cognitionem vendicamus, humiliter supplicantes quatenus ulteriori processui adversus Vice-Cancellarium antedictum sive Privilegia nostra supersedere dignemini.

The Proceedings in the mean while went on in the Vice-Chancellor's Court against the Defendants, Parrot, Williams and Ansell, at the Dean and Chapter's Petition; and they were by a definitive Sentence condemn'd ad Restitu-

tionem dampni, and to pay Expences of Suit, and committed to Goal, until they paid the Matter adjudg'd : But the Justices at *Westminster* threatened to levy the Penalties certified in the afore-said Writs, and forfeited as they pretended. Whereupon at length this whole Matter was brought before the Queen in her Privy-Council, to be there argued and consider'd, which referred the Hearing and Examination thereof to Sir *Gilbert Gerard* Kt. and Master of the Rolls, and *Tho. Egerton* Esq; her Majesty's Solicitor General, and afterwards our very worthy Chancellor; who, upon hearing both sides, made an Order under their Hands, which the Privy-Council approved and confirmed, and moreover wrote a Letter to the Justices of the Queen's Bench, and all other Justices, to supersede all Proceedings against the Vice-Chancellor in this Matter : And being informed by the Vice-Chancellor and his Deputy, that they and one *John Woodson*, a Beadle of the University, were troubled in that Court about other Points in these Causes, and were in Danger of incurring Penalties ; therefore the Privy Council having read and consider'd their Charters in these Points, and finding both the Causes to belong to their Jurisdiction, and their Manner of Proceeding, and to have been agreeable to their Charters, and the ancient Use and Custom of the University in the like Cases, did require the said Justices to see that neither the Vice-Chancellor, his Deputy, or the said *Woodson* did incur any Penalty for this their Defence of their Jurisdiction and Privileges, but that they may be freely and quietly dismiss'd without any further Trouble or Charge.

C H A P. III.

Of Local Visitors of Colleges, their Power, &c.

BEFORE I proceed to treat of the Power of *Local* Visitors of Colleges, founded for the publick Benefit of useful Education and Learning in our two Universities, I ask Leave to preface by way of Definition or Description, what I mean by a local Visitor of a College; who may be said to be a Person distinct from the Body of the College it self, but vested with a Power and Authority of Visiting the same under some Restrictions of Law, for the Good and general Behoof thereof: He is called Visitor *à visitando*, and Patron *à Patrocinando*; for he is the Protector of all its Rights, Privileges and Immunities; and is in the very Place or stead of its Founder, to supervise and take Care, that all the Statutes and lawful Ordinances made by the Founder or other legal Authority, respecting the State and Condition of the College over which he presides as Visitor, be duly kept and observ'd by the Head and all the Members thereof; for he is Visitor *tam in Capite quàm in Membris*.

He is called *Local* Visitor, for that his Power as Visitor is circumscribed and limited to such Acts only as concern the Welfare and Honour of such his College: And also for that his Visitation ought to be held and celebrated *in loco Collegii*, within the Scite and Precincts of the College, and not elsewhere: His Jurisdiction is local, and does in no wise follow his Person; unless in Cases of Appeal and private Complaint, where the Parties are consenting thereunto; and if he should attempt to cite any Person

*Tract. Tract.
Tom. 14. p.
183. Fed.
Conf. N. 79.*

son to any other Place than the College, where of he is a Member, for his Appearance before him as Visitor, a Prohibition or some other Remedial Writ (I presume) would be granted for that a Visitor in so doing exceeds the Limits and Bounds of his Authority, and by a Parity of Reason the Argument holds good as well here as in the Stat. of the 23d of *Hen. 8.* Chap. 9. against citing out of the Diocese. I do not mention this because I would have all Persons refuse Obedience to such a Summons; for it may be more adviseable to appear in some certain Cases than strictly to insist on the Visitor's coming to the Place of the College.

Now this Appointment of Power he either receives from the Founder himself, through the Means of his Statutes relating to such College in very expresse Terms; which Statutes, in regard of the Founder's Charity, are by our Lawyers sometimes stiled the Founder's Will: Or in Case of any particular Defect in such Statutes to maintain and support this Visitatorial Power and Authority; he receives it from, and has it convey'd to Him by the Common and Municipal Laws of the Realm; for a College cannot be without a Visitor; and it is sufficient if a Visitor be constituted and named after this or the like Manner, *viz. And we appoint and ordain the Right Reverend Father in God the Bishop of Lincoln for the Time being to be the Visitor of Lincoln College.* These or the like Words are sufficient (I say) to give a compleat Visitatorial Power Again,

As a Visitor of a College derives his Power and Jurisdiction either expressly from the Founder himself, or in Defect of such expresse Grant of Power, by a necessary Supply of Law; so is the proper Person of such Visitor namely constituted

ated either by the particular Designation and Appointment of the Founder himself; or else in Defect thereof by a like Supply of Law. And as the Power of a special Visitor of a College expressly named by the Founder, is well established without any particular Description thereof, e. of the Specialties or Incidents thereunto annex'd; so by the Description of such a Power given to any Person or Persons, such Person or Persons are thereby created Visitor or Visitors, whether expressly stiled so or not in the Founder's Statutes; for by directing and giving such Power, they do as well by the Founder's Will as in Law thereby become Visitors, otherwise the giving of this Power would be vain, and the Clause useless; as in the Case of *Winchester College*, where the Founder has not so fully in Terms constituted a Visitor; but has left his Intention to a necessary Implication of Law, which see in the third Rubrick of the Statutes of that Society. This partial Appointment of a Visitor (as pretended) is the Occasion of the present Controversy between the Bishop of *Winton*, the undoubted Visitor of that College by Denunciation, and the Reverend Mr. *Bridgwater* lately deprived of a Fellowship thereof for Contumacy to his Lordship's Jurisdiction.

Where the King founds a College, be it Lay or Spiritual, he is Visitor of *Common Right*; and it is the same with a common Person, where such College is meerly a Lay Corporation, as I will give a future Remembrance of: For Colleges are only private and particular Corporations, founded and endowed by private Persons upon the Score of Charity; and not for the sake of publick Government, as Cities, Towns, &c. and are therefore only subject to the particular Government of those who erect them; therefore

fore if there be no particular Visitor appointed by the Statutes of such College, in all such Cases of Eleemosynary Corporation, the Law appoints the Founder and his Heirs to be Visitors: For it is not at the Pleasure of the Founder whether there shall be a Visitor or not; if he is silent during his Life-time, the Right of Visitation will descend to his Heirs; and so is *Yelverton*, and the second of *Crook*, where it is admitted on all hands, that the Founder is Patron, and as Patron is Visitor, if no particular Visitor be assign'd, 8 *Edw. 4. 8. 8 Affize 29. 9 Hen. 6. 33. 1 Inst. 96.* So that Patronage and Visitation are necessary Consequents one upon another: And thus is a *Local* Visitor of a College either created by the Founder himself, or in Defect of such Creation by Appointment of Law.

Indeed it has been asserted by some Persons, that the Common Law assigns no Visitor at all in case of such Defect; but this Assertion is so contrary to Truth in the most evident Degree, that it hardly deserves any Refutation. Thus when no Visitor is appointed in a Spiritual Corporation, the Bishop is said to become Visitor thereof of *Common Right*, i. e. in Right of his Episcopal Office, or as Bishop of the Diocese, where such Corporation lies, who ought then to visit according to the Ecclesiastical Law; for 'tis a Maxim in the Common Law, that where the Right is Spiritual, the Remedy ought to be so too; and therefore only by Ecclesiastical Law, the Cognizance whereof belongs to the Ecclesiastical Court. But 'tis otherwise in a Lay-Corporation, and such are all Colleges esteemed to be with which I have to do: For as it has been already said in Defect of a special Appointment of a Visitor by the Founder, the Law appoints the Founder and his Heirs; who

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who are not to be guided by the Methods of the Common Law of *England*, in the Government and Visitation of these Colleges ; but according to the Rules and Statutes assign'd them by their respective Founders ; and in Defect of such Rules and Statutes, according to the Usages and Customs of the Society, or College to be visited.

For this Visitatorial Power was not introduced by any Canons or Constitutions Ecclesiastical ; but it is an Appointment of the Law ; it arises from the Property which the Founder had in the Lands assign'd and given to support the Charity ; and as he is Author of the Charity, the Law gives him and his Heirs a Visitatorial Power, that is to say, an Authority to inspect their Actions, and regulate their Behaviour. For it is not fit, that Members endowed, and who have a Charity bestow'd upon them, should be left to themselves ; but they ought to pursue the Intent and Design of him who conferr'd it on them.

When those who are to receive the Charity and Benevolence of the Founder, are not incorporated ; but Trustees are appointed, there is then no Visitatorial Power ; because the Interest of the Revenue is not vested in them : But when those who are to enjoy the Benefit are incorporated, then to prevent all perverting of the Gift or Charity, the Law establishes a Visitatorial Power ; and this Visitatorial Power is in some Measure a Creature of the Founders ; and 'tis reasonable that he and his Heirs should have this Power, unless he has devolv'd it elsewhere.

Visitors are stiled Patrons and Protectors of the College which they visit ; and ought in fact so to approve themselves, since the Founder has placed

placed a Trust in them which is now become irrevocable, and therefore ought not to be the Foundation of Hatred and Partiality; nor the Method whereby their Families may enrich themselves. In short, if they abuse this sacred *Depositum*, this great and honourable Trust reposed in them, by perverting the same to serve evil Purposes and sinister Designs, or do become so careless and negligent thereof, as tacitly to give up and surrender the same; or lastly, grow so false and impiously perfidious, as hereby to ruin one College in order to extol and magnify another, and then to smile and rejoice in their Wickedness; (as was the Baseness of a late Visitor, whose Ashes lying at Quiet, I will not rake into) Let them know, they must one Day or other be accountable for their Malefeazances, and other Breaches of Trust, before a Tribunal which will not be eluded by all the Wiles of Human Art; altho' they be not obliged to the Observation of this Trust by the Religion of an Oath. In our ancient Law-Books, *depriv'd* by Patron and *depriv'd* by Visitor, are one and the same thing.

A Visitor of a College then is by the Founder made *Fidei Commissarius*; that is, the Founder has by Way of Trust committed to him all that Power and Authority which was vested in himself, unless it be in Cases reserved; wherein he has specially restrain'd him; as that he cannot alter or dispence with any of the *Local* Statutes, neither can he abrogate the same, or make new Ordinances, or any Declarations, Expositions or Injunctions, repugnant or derogatory thereunto: But in all Matters concerning the Government, Discipline, and Welfare of the College, he may supply the Defect and Want of the Founder; and pursuing his Intentions in all things, he may act and do in as large and ample a Man-

er as the Founder himself, were he then li-
ng.

When a Local Visitor of a College is appoint-
ed by the Founder, he is to have the continual
Inspection thereof; and this is a Right granted
him without any Implication; he hath *pro-*
nam & non alienam Jurisdictionem; for not-
withstanding he is made Visitor by the Ap-
pointment of another, yet he hath an immedi-
ate Ordinary Authority in his own Right, *qua-*
tenus Visitor, vested in him by Law; which is
the same as was originally in the Founder him-
self, unless in Cases reserved, as already no-
ted: And if any other Person should endea-
our to visit the College, or to oust him of his
Jurisdiction, he might have a Prohibition to stay
the Proceedings of such Incompetency.

Traff. Traff.
p. 187. b. Tom.
14.

A Visitor *quatenus* such, has always sufficient
Power and Authority to deprive or suspend for
Contumacy or any Crime of a heinous Nature
committed against the Laws of God, and the
Statutes of the College; or to inflict any other
Punishment arbitrarily according to the Nature
and Quality of the Offence committed, if there
be no Form of Punishment expressly prescribed
and limited by the Statutes of the College:
and this Power and Authority is of *Common*
Right inseparably incident to his Visitatorial Of-
fice, and he needs not the Concurrence of any
other Person to execute it.

Eund. Tom. p.
180. b. Cap.
Rom. de Lit.
pend.

And further, this Power and Authority is de-
rived from and out of that Fullness of Power
which the Founder had in himself, and if such
Visitor does not proceed contrary to the Laws
of the Realm, and Statutes of such College, he
proceeds by a regular Authority, according to
this Plenitude of Power. For the Power of a
Visitor is not like any Jurisdiction of the Courts
at

at Law, nor is it to be guided and examined by their Rules, tho' always subject to the Laws of the Realm in provisional Cases. And a Visitor, although he be named and appointed by the Founder, yet is vested with his Power by the Common Law; and the Law has given all Jurisdiction and Authority to him, which is requisite and necessary to his Office of Visitor.

Contumacy to the legal and statutable Power of a Visitor is as great a Crime as can be expressed or imagin'd, although it be not mentioned in the Statutes themselves; for by allowing such a Behaviour in a College, no Will of the Founder could be fulfilled, no Visitation could ever be had, and the Statutes of the College would hereby be repealed and made void at once; for Contumacy would hinder and impeach the Observance of them. But such Contumacy can only happen when the Visitor acts by a legal and statutable Power and Authority, and that Authority is well executed in a regular Manner, and upon a just Cause and Grounds.

Andr. de Mendo de jure Acad. lib. 1. n. 242.

If the Inferior or Ordinary Visitor exceeds the Limits of his Jurisdiction or Power, the Party aggrieved hereby may undoubtedly have his Recourse to the Crown for Remedy by way of Appeal; and my Lord Chief Justice *Hales* says by Prohibition too; and the Ordinary Visitor shall hereby be restrain'd, and stand corrected in the undue Exercise of his Office. But since the Founder has made him a Judge, and committed all Matters in the College to his Discretion; it is not to be suspected or presumed in Law, that he will do otherwise than Right and Justice, and therefore if any such Complaint of Grievance or Injustice be made, it ought to be well warranted and proved.

After

After the Visitor has receiv'd an Appeal (which in Duty and good Conscience he is bound to do, provided it be not frivolous) he ought of Common Right to grant an Inhibition to stay all further Proceedings against the Party Appellant, and to restore him to his former State and Condition in the College, until such Time as the Cause of the Appeal it self shall be heard and fully determined: And moreover such Visitor ought to make an Order, requiring the Head and such Fellows of the College as are concern'd in the Appeal, (called the Parties Appellate) to appear before him, and give an Account of their Proceedings; which Proceedings regularly ought to be dispatch'd in the Presence of a Notary Publick, or other credible Witnesses (at least) attesting the same: For otherwise how will they transmit their Proceedings to the Visitor, with any Evidence or Testimony of the Truth and Legality thereof?

That the Sentence of a Local Visitor is not examinable in any other Court of Law, may be enforced and proved from the Nature of Eleemosynary Corporations, (and such are all Colleges of which I am now speaking) and also from many Authorities in Law, wherein the constant Course has been to deny a *Mandamus*, when prayed to restore any Person expell'd or depriv'd, to his Place or Fellowship in such Corporation; and there is no Precedent or Law-Case in the old Books, of any Restitution obtain'd in any such Case. A *Mandamus* was denied by the *Mod. Rep. ps.* Court in the Case of *Parkinson*, Fellow of *Lincoln* 3. p. 265. College in *Oxon*. For the Visitor is the proper Judge, and when a Man takes a Fellowship, he submits himself to the Rules of the College, and to the private Laws of the Founder. It was also denied by my Lord Chief Justice *Hale* in Vol. II. F Doctor

Keel. Rep. pt.
3. p. 102.

Doctor *Roberts's* Case, who prayed a *Mandamus* to be restor'd to a Fellowship in *Jesus* College in *Oxon.* upon Affidavit made, that he had applied himself to the Visitor, and that he would not meddle therein; *Keeling* indeed was of Opinion, and did conceive, that a *Mandamus* ought to be granted, this having been ruled to be an Estate of Freehold, and that such have a Voice in the Choice of a Knight of the Shire: But *Windham* oppos'd the *Mandamus*, because an Appeal to the Ordinary Visitor is the proper Remedy, and he is of Right bound to act in it. *Twissden* and *Moreton* were against the Granting of any *Mandamus*, and said, that there was no Remedy but by an Affize, if he be ousted; and an Action upon the Case, if he be not admitted. So was a *Mandamus* also denied in the Case of *Daniel Appleford*, a Fellow of *New-College* in *Oxon.* for the same Reason; but it was said therein, that an Action on the Case would lie; see the *Modern Reports*, Part I. Page 82. with many other Cases in our Law-Books of the like Nature. Dr. *Coveney*, President of *Magd. Coll.* in *Oxon.* was deprived by the Bishop of *Winchester*, as Local Visitor of that College; he appealed to the Queen in Chancery; and it was resolved, that an Appeal did not lie thither; for it was not within the Statute of *Hen. VIII.* touching Appeals to the King in Chancery, because that Statute directs to whom Appeals shall be made in Causes only of Spiritual Jurisdiction; but a College is not a Spiritual Corporation, (as already noted) nor is the Act of Deprivation of Spiritual Cognizance. 'Tis true, the Book says, that because there was no Appeal, *ex hoc sequitur*, the Party may have an Affize, but that could never be the Opinion of my Lord *Dyer*; because the Governor of a College has not an Estate

Estate to maintain an Affize, for he alone, without the whole Body aggregate, hath no sole Seizin or Right in any thing belonging to the Corporation, therefore that Sequel cannot be Law: But admitting it be the Opinion of *Dyer*, it stands singly by it self, without any Authority to support it; it is no Judgment in Law, and my Lord *Hale*, in *Appleford's Case*, affirm'd, that an Affize would not lye, and the Reason is plain, because a proper Court has an original Jurisdiction, no other Court shall examine their Judgment, after Sentence given.

Deprivation of a Head or Fellow of a College is not like unto the Disfranchisements of Members of publick Corporations; nor is the Sentence of a Visitor like unto the Decrees made by Commissioners of Sewers, of Bankrupt, &c. the Proceedings of which Persons are examinable in *Banco Regis*; and the Reason is, because these Persons are not trusted with a Power of Judicature; for what they do is extra-judicial: but in the Case of a Visitor, he has the sole and absolute Power and Right, under the Crown, of determining and judging in the Actions of those who subsist on the Founder's Charity; he is made a Judge by the Common Law; and tho' it should be said, that the King cannot commission any one to exercise such a Power Deputick, yet the Common Law gives that Authority, wherein the Consent of all Persons is involved.

It was affirmed in the Case of *Phillips* against *Jury*, That if a Founder appoints a Visitor, and prescribes to his Authority certain Rules and Limitations, as to Time, Person and Place; and that Power thus circumscribed be not exactly pursued in his Proceedings, and in all its Circumstances, it is not only an Error, but all is

coram non Judice: For it was then said, that the Visitor has no Authority, but what is given him by the Founder, and his Power being restrain'd, if he exceeds the Limits thereof, he then acts without Authority. In answer whereunto, I say, 'tis allow'd, that a Visitor, in all his Proceedings must be subject to the particular Rules and Orders of the Founder, by which his Jurisdiction is in some Measure establish'd; and if it appears, that he has acted contrary to those Rules, his Decree or Sentence may be declared null and void by the Supreme Visitor, the Queen in Council; who is to restrain his illegal and exorbitant Power, and to correct his Proceedings. But a Visitor may, notwithstanding, in his Proceedings, use a Power and Authority which is not expressly set forth and mention'd in the Rules and Orders of the Society, whereby he visits: For there are many Things necessarily imply'd, and inseparably incident to the very Power and Office of a Visitor, which need not be express'd; as the Power of Suspension and Deprivation for Contumacy and other reasonable Causes, &c. for that his Visitatorial Power cannot be supported without the Power of such and the like Censures, and Penal Sanctions.

Although a Visitor may be restrain'd, by the particular Laws and Statutes of the Founder, to visit *ex officio* but once in two, three, four or five Years; yet he has always a constant and standing Authority given to him by the Law of the Land, to hear and determine all particular Differences whatsoever, that may arise in the College, whereof he is Visitor, during the intermediate Time of his general Visitation: from whose Sentence, there lies no Appeal to any Court of Law, but only to the Queen in Council.

Council, as aforesaid. Diocesan Bishops can Visit but once in three Years, yet their Courts are always open, to hear and determine Quarrels and Offences, and all particular Complaints. And the like it is with Visitors, whose General Authority is restrain'd in Point of Time; and it would be a vain and absurd Thing to suppose, that the Intention of the Founder, or his Laws, was, that such Disorders and Causes of Complaint should not be examin'd and redress'd, in the intermediate Time of a General Visitation, &c.

I have before imperfectly remembred, that no Appeal lies to any of the Courts in *Westminster-Hall*, from the Sentence of a Local Visitor, provided he keeps himself within the Bounds of his own Jurisdiction, and meddles only with Matters subject to his Cognizance; for that an Act done, or Sentence pronounc'd by him, shall be presumed to be done and pronounced by the Founder himself; which cannot be argued unjust; for that he supplies the Place of the Founder, and as Visitor is proper Judge. It ought not to be thought unjust, (says the late Bishop of *Worcester*, giving his Opinion in the *2 Vol. Eccl. House of Lords*, in *Exeter-College Case*) that *Cases, p. 412.* the Visitors Sentence is irreversible by any Court of Law, or that his Power is absolute and conclusive, being without any further Appeal; he means at Law. Indeed (says he) this seems to be setting up an Arbitrary Power among us, which is against Law: But that Learned Prelate goes on, and rightly distinguishes between an Arbitrary Power against Law, and a Conclusive Power by Law.

When, I say, that the Law has given such a Power to Visitors, as to determine Matters without the Liberty of an Appeal, I would be

always understood to mean only in Relation to the Courts at Law, as aforesaid: For there can be no Question made touching the Power of the Crown in receiving Appeals from these inferior Judges or Visitors; this is a Right and Prerogative inherent in it, of which it cannot divest itself but by Act of Parliament. In the Year 1379. the Archbishop of *York*, as Visitor of *Queen's College* in *Oxford*, deprived the Provost and three of the Fellows of that College; whereupon the King, as Supreme Visitor, sent a Commission to examine and enquire into the Reason of this Deprivation; and upon hearing of the Matter, the Provost stood deprived, and a new one was confirm'd; this happen'd on a Quarrel about the Provostship.

That such a Power in Visitors is not against Law, appears by that excellent Statute of the 43d of *Eliz.* Chap. 4. *Concerning Commissioners for Charitable Uses*, where Visitors have such a Power given them, that they are not liable to be called to an Account by any Commission, Court of Law, or Chancery; so that our Law thinks fit, upon some Occasions, especially as to Eleemosynary Foundations, to lodge such a Power in some Persons, and this surely cannot be called an illegal Power.

It was urged in the Case of *Exeter-College* above-cited, That the Visitor's was no other than the Founder's Power, or the Power which the Founder expressly gave him; for he acts as Founder, and by his Right; but no Founder can establish such Arbitrary Power; and therefore it is illegal. To all which it was answered, That if the Visitor had no other Power but the Founder's, such an arbitrary Method of Proceeding could not be settled, viz. That the Visitor's Judgment should not be called in Question by

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the Courts of Law; for the Founder himself was a private Subject, and as such, cannot, by any inherent Power in himself, debar any Person the Right of Appealing, in case of an Injury done to him in a Society settled by Law. Now if a private Founder cannot incorporate such a Society by his own Power, then he cannot give a Power to the Visitor of Removing any one out of it, so as not to be accountable to any other Court: This was an Argument at Bar. To clear up this Point (says the Bishop) we must go further than the meer Power of the Founder in this Matter. *Page 115.* It must be taken for granted, that every such Corporation must have a Legal Authority, besides the Founder's Will, (as I have elsewhere shewed) and that must be either by Common-Law, Prescription, or Act of Parliament, as Hospitals are by the 43^d of *Eliz.* Chap. 5. or by Royal Charter; for the King by his Authority can make a Society to be incorporated; and the Corporations of all Colleges in *Oxford* have been made by the King's Charters. So were the making of Statutes for these Colleges left to the particular Founders (and not only the Statutes, but also the Appointment of particular Visitors has been left to them, with the Manner of Government, &c.) where the Persons, to whom the Charity is given, are not incorporated, there is no such Visitatorial Power; because the Interest of the Revenue is not vested in them: But where it is so, the Right of Visitation arises from the Foundation; and the Founder may convey it to whom, and in what manner he pleases; and the Visitor acts by the Founder's Authority, and consequently is no more accountable than the Founder would be.

But that which is particularly observed by his Lordship, is, that these Founders of Colle-

ges did take special Care to prevent, as much as possible, all Law-Suits among the Members of their Societies, as most destructive to the Peace and Unity of their Body, and the Tranquillity necessary to their Studies : for they knew very well, that if any Encouragement was given to Law-Suits, those Places would in Time become Nurseries for Attorneys and Solicitors, which were to pervert the main Design of their Foundation.

Walter de Merton, the first Founder of a College in *Oxford* with Revenues to support it, took such Care about this Matter, that he puts the Case in his Statutes, of a Warden being deprived ; and knowing that Men are apt to complain when they suffer : and to endeavour one Way or other to be restored, (which causes great Heats and Animosities among the contending Parties) therefore, to prevent these mischievous Consequences, he inserts a Chapter on Purpose in his Statutes, that if such a Case happen'd, *Nulla actio, nullum juris Remedium Canonici vel Civilis habeat, &c.* This may be said to be a hard Case ; for may not a Man see himself righted by proper Remedies at Law ? But the Wise Founder looked on the Consequence as to the Society more than the Personal Injury of him who suffer'd : and preferr'd the Peace of his College before the Restoring a Man to his Place.

In the Statutes of *Exeter-College*, it is expressly mention'd, that if the Rector be depriv'd by the Commissary, he may appeal to the Bishop as Visitor ; but if he be deprived by the Visitor himself, then no farther Appeal is allow'd, nor any Remedy *Juris aut Facti*. By the Statutes of *New-College*, the Warden is to be removed by the major Part of the Fellows ; and he

he swears not to appeal, much less has he the Liberty of Appealing, if deprived by the Visitor. In the Year 1562. the Arch-Bishop of *Canterbury*, as Visitor, proceeded against *Hawles*, and other Fellows of *Merton College*, for opposing the Admission of a Warden, nominated by the Arch-Bishop, as Visitor, upon a Devolution; and as Visitor he proceeded to their Deprivation; yet no Appeal to the Courts of Law was then allow'd of. And in the Year 1568. the Bishop of *Winchester*, being Visitor of *Corpus-Christi College*, deprived those Fellows, who oppos'd the Admission of *Cole*, nominated by the Queen, after the Election of *Harrison*, which was said not to be Statutable. Now both these Cases had Difficulties, and were Temporal Things, as well as Dr. *Coveney's* Case above-mentioned, and yet there was no *Affize* brought in either Case.

How Appeals of this Nature came to be brought into *Westminster-Hall*, take the following Account, viz. Soon after the Restoration of King *Charles the 2d*, of Blessed Memory, one Dr. *Withrington*, Fellow of *Christ's College* in *Cambridge*, was deprived of his Fellowship, by the Master and Fellows: Whereupon he appealed to the *King's Bench* to be restored. In the Arguments in that Case, one of the Learned Judges of that Court affirmed, That the first Precedent of this Kind was not above Ten Years standing; which was in the Case of *Hern*, who obtained a *Mandamus* to be restored to a Place, whereof he was deprived in the University, when *Glyn* was Chief Justice: and the Reason given was, because there was then no special Visitor; for the Arch-Bishop of *Canterbury* was Local Visitor; and there was no Arch-Bishop. Can this Precedent then hold good, when there
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Styles Rep.
457.

is a Local Visitor, to whom it belongs to give Judgment in such Cases? After this one *Cramford* made Application to the *Superior Bench* (as then stiled) to be restored to the Place of a School-master in *Cambridge*, of which he was depriv'd by the proper Visitors, the Master and Fellows of *Gonville* and *Cains* College. Upon several Arguments it was deny'd, and resolv'd, that no Writ of Restitution should be granted, but the Matter was referred to the Chancellor, &c. In the 14th of *Charles the 2d*, Dr. *Patrick* was chosen Head of *Queens College* in *Cambridge* by a Majority of Voices, but another was admitted; upon which he appealed to the *King's Bench*; but some of the Judges said positively, that no Writ ought ever to have been granted upon Differences in Colleges, for that Appeals lay to the Local Visitor, and not to the *King's Bench*: It was then urged, that this was a Matter of Freehold, and that was no spiritual Corporation, but the declaring of a Master was a Temporal Act; but the Chief Justice said, That to give a Remedy in this Court, wou'd shake the whole Government of Colleges. In the 22d of King *Charles the 2d*, *Daniel Appleford* was deprived of his Fellowship by the Local Visitor of *New College*; he brought the Matter to the *King's Bench*, where my Lord Chief Justice *Hale* said, if there be a Jurisdiction in the Visitor, and he hath determin'd the Matter, how will ye get over that Sentence? In the Case of Dr. *Lewis* it was resolv'd for the Local Visitor of *Oriel College*, against the Arch-Bishop of *Canterbury*, who asserted the Exercise of his Metropolitcal Authority, and as Metropolitan wou'd receive an Appeal.

I will next consider, upon what Grounds those went, who would have such Causes brought to the

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the Cognizance of the *King's Bench*; and the Weakness of them will shew what little Reason they had for this new Practice. Some wou'd go so far back, as to found it upon *Magna Charta*, Chap. 29. That no Man shall be disseized of his Freehold, but by his Peers; but they forget, that it is added, *vel per legem terra*; which Words establish other Proceedings, that have been received here as Part of the Law of the Land: For else not only all the Proceedings in Ecclesiastical Courts are illegal, but also even those in the Courts of *Admiralty* and *Chancery*, which was not intended by that Chapter. Others said, that if Colleges were *Ecclesiastical* Corporations, an Appeal would lie to the *Chancery*, as from other *Ecclesiastical* Courts; but being *Lay* Corporations, they were under the Cognizance of the *Upper Bench*, which, according to *Bagg's Case*, is to judge of all Oppressions and Injuries in Corporations. But the Resolution of this Matter does not depend on the Nature of the Corporation, whether *Lay*, *Ecclesiastical*, or *Mixt*, but on the antient Right of Jurisdiction over it. Indeed Popes have sometimes claimed and pretended to have Jurisdiction over Colleges, by reason that many of them in these Western Parts of the World have been founded by Bishops in their several Churches and Dioceses (as elsewhere noted) and on this account they have assumed to themselves a Power at several Times here in *England*, when the Royal Power was weaken'd either by foreign Wars or Broils at home, thro' the means of a seditious Clergy. of granting Bulls of Exemption from the ordinary Jurisdiction, with a Design of bringing all Colleges in our Universities under the Power of the *Roman Bishop*: But our several Kings disallowing these Grants,

and

and having given the Founders of Colleges a Power of making Statutes for their own Societies, and of appointing Visitors with such Powers as they thought fit; these Colleges do now enjoy their Privileges under the same Grants and Authorities with the University it self.

Some have been of Opinion, That an Appeal in the Case of Colleges will lie to the House of Lords, as the Supream Court of all Appeals, and we have a Precedent hereof; but whether a warrantable one, must be submitted to the Determination of that Honourable House, which for many Years past hath confined the Jurisdiction within the true Limits of our Laws and Constitutions. In the Case of one *Anthony D'Anvers*, reported to the House of Lords, January the 21st, *Anno Domini* 1640. the Matter was this, *viz.* That this *D'Anvers* being related to the Lord Viscount *Say and Seal*, and consequently to *William of Wickham*, sometime Founder of the College near *Winchester*, and of *New College* in *Oxford*, had offer'd his Son to be received into the former, according to the Privilege of the Founder's Kinsmen, who ought to be elected and admitted therein *principaliter & ante omnes alios per viam specialis Prærogative* (as expressly commanded in the Statutes) in virtue of the Elector's Oath: But his Son having been denied four yearly Elections, he was at last entirely rejected. Upon a Complaint of this Grievance to the House of Lords, the two *Wardens* and *School-master* of *Winchester College*, being constant and standing Electors into the same, were order'd unanimously to be sent for; and on their Submission and the Consent of all Parties, the Lord Bishop of *Winchester* engag'd, that full Satisfaction should be made and given by the said *Wardens* and *School-master* to Mr.

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D'Anvers, for the Damage he had received herein, and that his Son should be admitted the next Election, and have some convenient Maintenance in the mean time from the College: And a Memorial of this Case was order'd to be recorded in the Lords Journal-Book, to prevent the like Wrongs for the Time to come. I have already observed, that a Visitor is said to make a general and formal Visitation, when he comes to visit the whole College, and to make a general Enquiry touching the due Observation of all the Statutes of such Society, as he may do once in two Years at *New College*, once in five Years at *Exeter College*, and so at other Colleges according to the Direction of their Statutes; and if he comes oftner *ex Officio*, without being called in by the College, his Visitation is null and void, and according to some he may be resisted, and according to others, restrained by a Prohibition. But these Words *de Biennio in Biennium*, and *de Quinquennio in Quinquennium*, are not to be understood restrictive of the Power given him, but as directive to him; for *eo nomine* that he is Visitor, he has a Power to come to hear Appeals and redress Grievances on particular Complaints made to him, which cannot be restrained but by Negative Words: And the same may be now said of his *Commissary*, who must be guided and governed by the Extent and Form of his Commission, and cannot exceed the Limits thereof by any Power of his forming.

The Oath *ex Officio* being taken away by a Statute of the Realm, no Visitor can or ought to make any Enquiry thereon touching Matters criminal, in order to compel any Person to accuse himself thereof, whereby such Person may be affected by way of Punishment; for if he should

shou'd be so rash, as to proceed to Punishment, on the Refusal of a Person to accuse himself, on Interrogatories thus administred; not only a Prohibition will lie against such irregular Proceedings, but if such Visitor does not absolve him from the Punishment inflicted on him, on a Request made and a Prohibition served, an Attachment may be brought against him; and he likewise hereby subjects himself to the Penalty of the Act, for the Law of the Realm, which restrains his Authority: Yet notwithstanding this, every Visitor has of *Common Right* the Power of Administring an Oath, and Requiring the Parties to answer upon Oath in all Statutable Matters, which are not of a Criminal Nature, tho' they should respect himself; as touching Matrimony, a temporal Estate, an Ecclesiastical Benefice or Dignity exceeding such a Value, &c. And the Reason of this Distinction is, because the latter are Things *Honest* and *Lawful*; and consequently in no wise penal, and liable to the Scandal and Infamy of Expulsion. Yet to live under such a State of Disobedience to the Founder's Statutes, is some Taint to a good Man's Reputation; because by his silent and private Dealing in these Matters, and his not receding from the College on such reasonable Grounds; and the Founder's Monition commanding him so to do, he grows guilty of a Contempt and Violation of that Statute, whereunto no Penalty is annexed; and therefore, in the Judgment of certain Wise and Learned Men, he is thought to incur the Guilt, tho' not the Punishment of Perjury. But I will not here brand this Disobedience with so hard and foul a Censure, *Quia viri boni gravesque aliter senserunt.*

Where

Where a Founder names a Visitor, and prohibits Appeals from him ; yet this does not restrain the Liberty of Appeals made from him.

Magdalene College in Oxford is founded *absque Raym. Rep. illo Appellationis Remedio* ; and yet it was resolved *P. 105.*

Agreed between Dr. Pierce and Dr. Tarbury, that such Clause does not restrain an Appeal from the Visitor. See the Clause of *omni Appellatione remotâ*. *Coke Instit. Part 4th, page 340.*

A Visitor, in all his Enquiries and Determinations, made either by way of general Visitation, or on a particular Complaint, ought to proceed *summarie, simpliciter, & de plano, sine strepitu & figura judicii, i. e.* according to the *meer Law and Right of Nations*, wherein Matters of necessary Substance, and not of positive Form, are observed ; as that there ought to be some Matter or Accusation deduced in Writing, and given to the Party accused, or against whom the Complaint is lodged, and a convenient Time assigned him to give an Answer thereunto, a Day for the hearing of Evidence, on the Denial of any Fact alledged in the said Accusation or Complaint, and so of other Matters, unto which we have a *Common and Natural Right*, not to be lost or destroyed by any Local or more general Ordinance and Statute whatsoever : As for instance, an absent Person has a *natural Right* to be cited for his Appearance, before he can be proceeded against ; and if any Visitor shou'd be so unadvised, as to proceed contrary hereunto, there wou'd be just Grounds for an Appeal in Law ; and such an Appeal ought to be received, notwithstanding the Prohibition of any Statute : For all Laws prohibiting Appeals are odious, and ought to be restrained, forasmuch as they are made against the Rules of *Common Right*, which regularly

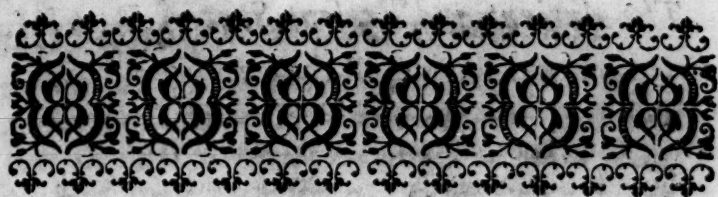
*Maxant. Prax.
de Appel. n.*

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permit Appeals from every Act. Yet notwithstanding this *Summary* Way of Proceeding, a Visitor ought to have a particular Regard to the positive Form prescribed and directed in the Founder's Statutes, as necessary Orders and Solemnities, not to be omitted or inverted on any account, in his Judicial or Extrajudicial Proceedings.

Nor is this *plain* and *summary* Method of Trial only consistent with the Common Law, and the express Provision of the Statutes of some particular Colleges; but it also well agrees with the principal Design and Intention of their respective Founders, who made them Visitors; which was to exclude (if possible) all long and tedious Law-suits, which disquiet the Thoughts, eat out the Time, exhaust the Purses of all who are concerned in them, and finally lay the Foundation of perpetual Feuds and Animosities in Colleges. When a Visitor comes to a College, to exercise his Jurisdiction as Visitor thereof, Procurations, *i. e.* his necessary Expences, are to be allowed him, and he is to be maintain'd in Eating and Drinking at the Cost of the College visited: But he ought not to be grievous in his said Procurations; to prevent which, Founders of Colleges have in their Statutes settled a determin'd Allowance upon all such Occasions, for the Generality of them: And thus much of *Local Visitors* of Colleges, and of their Power, as warranted by Custom, Law, and Common Right.



THE
Antient and Present State
OF THE
UNIVERSITY
OF
OXFORD.

PART III.

CHAP. I.

An Account of the Laws, Statutes, and Privileges of the University of Oxford, and such of the Laws and Statutes of the Realm, which do any wise concern the same.



B E I N G now come to the Third and Last Part of this Undertaking, which exhibits an Account of the Laws, Statutes and Privileges of the University of Oxford; I shall first of all consider this University as a Body Politick

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or Corporate, having all the necessary Qualifications thereof, both from antient Royal Charters, and from Acts of Parliament.

Some Persons have indeed endeavour'd to maintain the same to be rather an Ecclesiastical than a Lay Corporation, in respect of the many Privileges and Immunities now enjoyed by us, and of which only Ecclesiasticks are capable : And to this End it may not be amiss to take notice, what *Choppinus* (a Learned French Lawyer) writes concerning the University of *Paris*; of which, he says, there has been a Question made in this respect ; and that some were of an Opinion, That it being founded by *Charles* the Great, and now remaining under the Patronage of the Kings of *France*, and endowed with many Privileges by them, it ought to be reputed rather a Lay than an Ecclesiastical Corporation. Others likewise affirm, that it has also received many great Privileges and Immunities from the Bishop of *Rome* ; and *Panormitan* avers it to be an Ecclesiastical Corporation, because the greater part of the University are *Divines* ; and *Cosmo Guymarius* (another Learned Author) holds, that this University is a mixt Body ; and, this Mixture consider'd in regard of the greater Number of Clerks, it may rather be accounted an Ecclesiastical than a Lay Body ; which Opinion is much confirmed, for that in the Council of *Constance*, the Deputies of the University of *Paris* had their Places assign'd them among others of the Clergy, and not among the Lay Deputies : And this was also the Condition of the University of *Oxford* in the same Council. But some say, that all Universities ought to follow the Condition of their Founders and Benefactors, and the Qualifications of the Persons, of which they consist ; and therefore Universi-

See Part 1st,
142. 160.

ties are either *Lay* or *Spiritual* Corporations, according to these Foundations and Principles. For the true understanding whereof, I shall consider, who are deemed in Law to be Clergymen or Ecclesiastical Persons; and *Lyndwood* says, that an Ecclesiastical Person is not only one, who is ordained; but any one deputed or designed for the Service of the Church, not only *Secular*, but also *Regular* or *Religious* Persons; and some also who are of a *Lay* Condition, as heretofore the *Templars* and *Hospitallers*: And that under the Name of Clerks are comprehended all those, who are ordained to perform Divine Service and Offices of the Church, both of the greater and lesser Orders; even all those, who were wont to have the *prima Tonsura*: And accordingly Arch-Bishop *Stratford*, in a Provincial Constitution enjoining the Clergy to observe the *prima Tonsura* and the Clerical Habit, requires likewise the Students in the University, bearing themselves as Clerks, to observe the same, under the Pain of rendering themselves incapable of Degrees in the University, until they conform themselves in these things: And upon this Foundation it is, that *Salycetus*, *Bellamera*, *Moneta*, and others quoted by *Escobar*, will have Universities to be Ecclesiastical Bodies, and consequently to enjoy Ecclesiastical Jurisdiction; and *Balboa* alledges many Authorities in Law for this Opinion, in his Arguments and Quotations for the University of *Salamanca*. As, first, that general Studies cannot or (at least) are not won't to be erected without the Pope's Authority, and his Confirmation of their Statutes and Privileges, in no wise necessary, if Universities were Secular Bodies. 2dly, Because that in Universities, Clerks are always conversant; and altho' they should be of the lesser

Part, yet all the Students are indistinctly stiled *Clerks*; and therefore Scholars Delinquent do not enjoy the Immunity of the Church; which they would surely do, if they were subject to a Secular Jurisdiction; for the Immunity of the Church was instituted for Delinquent Seculars: and again, the Scholars Judge in all Universities might be a Secular Person, if they were Secular Corporations. 3dly, Because of *Divinity* and the *Canon Law*, which are taught therein, and ordained for the sake of Religion, it is to be supposed, that they would from hence be exempt from all Secular Power and Jurisdiction. 4thly, from a Parity of Reason, because that all Colleges erected for the sake of Learning, by the Intervention of the Ecclesiastical Power, are in the *Canon Law* adjudged to be *Ecclesiastical Corporations*; therefore for the same Reason, all Universities, erected for publick Study, and confirm'd by Papal Authority, are therein adjudged to be *Ecclesiastical Bodies*. 5thly, Because the Rector or Chancellor thereof may pronounce Ecclesiastical Censures against the Students; nay, even against the *Non-Clerks*, in every Cause, whether *Civil* or *Spiritual*: And therefore the Rector or Chancellor thus using Ecclesiastical Jurisdiction, the Body must be Ecclesiastical also.

In the University of *Oxford*, the Founders of Colleges have generally provided, not only that the Heads and Governors of their Houses should be Divines; but that the Fellows also shou'd in a competent Time enter into Holy Orders; and that the Scholars from their first Admission should be stiled Clerks. So *William of Wickham*, the Founder of *New College* in *Oxford* and the College near *Winchester*, in the Preface to his Statutes says, That he had founded one

Gutier. l. 1.
99. cap. 36.
Azevedo Leg.
10. a Num.
25. Garcias
de Ben. p. 5.
cap. a Num.
 604.

one perpetual College of Scholars-Clerks in the University of *Oxford*; and also another College of Scholars-Clerks, near the City of *Winchester*, by Authority both *Royal* and *Apostolical*.

And thus *William* of *Wainfleet*, the Founder of *Magdalene College*, says the same concerning those of his Foundation; and no doubt but that all Founders being Bishops, who are the greater Part, have done the like.

In the Charters of Privileges granted to this University, the Scholars thereof are frequently called *Clerks*: So *Henry* the 3^d ordains, that ^{2 H. 3.} the University-Clerks should have Letters Patents of Protection: and in the 49th Year of his Reign, he exempts Clerks, having somewhat of Lay-Fee, from serving upon Juries. King *Edward* the 3^d grants, that in all Causes, ^{5 Edw. 3.} where a Clerk is one Party, in Contracts and Trespasses, the Chancellor of the University shou'd have Cognizance thereof: And King *Richard* the 2^d also grants, that in all Causes ^{3 Rich. 2.} concerning Clerks, the King's Prohibition shou'd not lie or issue forth. And sometimes Clerks are expressly distinguish'd from Laymen: So *Henry* the 3^d ordains, that in regard Laymen ^{29 H. 3.} are ill affected to Clerks, all Rates and Taxes shall be made by the Chancellor of the University: And King *Henry* the 8th, for the like ^{14 H. 8.} Reason grants the same concerning Fifteenths, &c.

In respect of this Qualification, the University antiently had divers Impropriations and Ecclesiastical Benefices annex'd to and conferr'd on it, of which it had not been capable, if it were not an Ecclesiastical Corporation; and in this Respect, the Chancellor of this University has acquir'd and executed Ecclesiastical Jurisdiction, which otherwise he cou'd not have

done; and lastly, in this respect, the said Chancellor has had a Place in Provincial Synods among the Clergy, and the University has sent its Deputies to General Councils, into which they have been admitted.

Arch-Bishop *Parker*, in his *Antiquities of the British Church*, affirms, that Universities were represented by their Deputies in Provincial Synods or Councils; altho' since our Chancellors have been chosen from amongst the Temporal Lords and Bishops, who have Places in the Upper House of Parliament, this Representation has been discontinued.

Thus the Reader has the Opinions of several eminent Lawyers and Historians, in respect of Universities being *Lay* or *Ecclesiastical* Corporations in foreign Countries, where the Papal Authority domineers and lords it over the Regal Supremacy: But in *England*, especially since the Reformation of Religion, our two Universities have been ever held to be *Lay* Corporations, of a mixt Jurisdiction, partly *Civil* and partly *Ecclesiastical*, deriving the same not altogether from Royal Grants, but from more antient Prescription. Indeed Popes have frequently attempted to draw the same under their Jurisdiction, both by encouraging of Appeals to the Court of *Rome*, and by granting of Bulls of Exemption and other Privileges; nay, even by attempting the Confirmation of them and their Statutes: Yet our wise Kings, when they have been free from heavy Wars from abroad, and from the Regular Clergy, the Pope's Janizaries, at home, have ever asserted their sole Right over these Universities, by rescinding those Papal Bulls, and other Pretences to Power, which had been by Usurpation imposed on them and their Subjects; as the Reader will find in the First Part of this Work.

Sir

Sir Edward Coke, in his Comment upon *Littleton*, says, that a Corporation or Body Politick may commence and be established three Ways, viz. by Prescription, Letters Patents, and Act of Parliament; and *Lyndwood*, in his Gloss on the Provincial Constitutions, writes, that Universities may be raised by Grant or Privilege, and also by Custom, thro' Time immemorial.

Mr. *John Stratford* having been sent as a Syn-Twyne's
dick from the University of *Oxford* to the Court p. 292.

of *Rome*, in a Cause against the Preaching Fryars, did in his Supplication to the Pope then declare, That the University of Masters and Scholars at *Oxford*, in the Diocess of *Lincoln*, was founded and instituted Time out of Mind, and had been approved as well by the Popes of *Rome* as by the Kings of *England*: And in another place he undertakes to shew, That it was antiently a Corporation in other respects; as
1st, that it has been antiently asserted to be such by all the Members of the University.
2^{dly}, That antiently it had a publick Seal.
3^{dly}, That in this Capacity it had antiently received and enjoyed Lands and Possessions, &c.

Touching the first, *Oliver Sutton*, Bishop of *Lincoln* A.D. 1280. made some Dispute, by questioning some Customs of the University, as not consisting with its Condition, being no Corporation; but the whole University of Masters in Congregation assembled, taking the same into consideration, did unanimously assert and maintain the University of *Oxford* (as a Body Corporate Time out of Mind) to have been in full Possession of those Customs. As to the second, there being a Person employed to go to the Court of *Rome* against some Preaching Fryars, he produced for his Authority an Indenture under our publick Seal, whereon was the Image of a Man

sitting in a Chair under a Canopy, and of many Persons at his Feet, having in the Circumference this Inscription, viz. in *English*, *The Seal of the University of Oxford*. In the Reign of *Edward* the Third, on a Mutiny among the Masters in the Congregation about the Choice of a Chancellor, the Chest wherein this Seal was kept was broke open, and the same being deliver'd to the Chancellor, he presently expelled the Proctors for their Opposition of his Election; but they were soon afterwards by the King restored, and he forced to deliver the Seal to them. And as to the Third, it is well known, that in the Reigns of *Edward* the First, and *Edward* the Second, certain Messuages were given to the University by *Walter*, Bishop of *Exeter*, and *Raynold le Bedell*, to be held in Mortmain for the Maintenance of poor Scholars, called *Chamberdekins*.

Touching the Incorporation of the University by Act of Parliament, 'tis well known, that, in the 13th Year of Queen *Elizabeth*, it was expressly enacted by the Authority of the Queen, Lords and Commons, that the Earl of *Leicester*, then Chancellor of this University, and his Successors for ever, and the Masters and Scholars thereof, for the Time being, shall be incorporate, and have a perpetual Succession in Fact, Deed and Name, by the Name of the Chancellor, Masters and Scholars of the University of *Oxford*, &c. And that they have a common Seal for their necessary Occasions, and may sue and be sued for all Manner of Causes, Quarrels, Actions real, personal, and mixt, of what Kind, Nature or Quality soever they be. And as Queen *Elizabeth* did, in that Manner by Act of Parliament, incorporate both Universities; so did King *James* the First, by
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Letters Patents, impower them to send Burgessees to Parliament. In the Chancellorship of *Lionel Wideville*, the Cooks at *Oxford* were erected into a Society or Corporation, as appears by the Charter granted unto them; which was afterwards ratify'd and confirm'd in the Reign of King *Edward* the Sixth, by Dr. *Rich. Marial*, Vice-chancellor of the University; and Dr. *Humphreys*, President of *Maudlins*, in his Vice-chancellorship, appointed them a Sermon to be preach'd at St. *Peter's*-Church in the *East*, on *Good Friday*; which Institution has prevailed and continued in Use to this very Day. The Company of *Barbers* at *Oxford*, was first incorporated in the Chancellorship of *John de Northwode*, as appears from his Charter of Incorporation; but this Charter has since been renew'd unto them by the Convocation in the Vice-chancellorship of Dr. *Bathurst*.

Justice *Finchden*, a Man of great Esteem for 4 *Edw.* 3. 17. his Knowledge in the Laws of *England*, on the occasion of a Question concerning a Privilege of the University of *Oxford*, in the *Common Pleas* at *Westminster*, said, It was great Reason that they, who were the Instruments of so much Good in the Common-wealth, should have beneficial Customs for the Maintenance of their Societies; and that the King, as Guardian of the Realm, has Power and Authority, by his prerogative, to grant many Privileges thereunto for the Publick Good, tho', at first View, they appear against the *Common Law*; and he gives an instance in the Privileges granted to the Scholars of the Universities, and the Merchants of the Staple. And King *Edward* the 27 *Edw.* 3. 29. Third, in his Charters and Grants to this University, declares the same; for the said King in a most gracious Charter, by which he aim'd

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at the Restitution and Settlement of the Scholars at *Oxford*, dispersed and driven from thence by the Violence of the Townsmen; premises, That among other Things, by which the Condition of Kings and Kingdoms is advanced, and the Profit and Quiet of Subjects preserved, the chiefest seems to be the mutual Conjunction of Power and Strength, with Wisdom especially deriv'd from Learning: For military Power, unless regulated by Wisdom, easily miscarries; as a Ship without a Rudder expos'd to Storms suddenly perishes. And 'tis a common Observation; that where the Studies of the Liberal Arts and Sciences have most prevail'd, there the temporal Milice has likewise flourish'd, and the Grandeur of the State been establish'd (as in *France* under the late Administration of *Colbert*.) And whereas the University of *Oxford*, as the Fountain and chief Stream of these Studies, has, in an eminent Manner, dispersed the Dew of Learning throughout the Realm of *England*, and as a fruitful Vine has sent forth many useful Branches into the Lord's Vineyard, i. e. most learned Men, by whose Abilities both the Church and State are many ways adorned and strengthened, he in Consideration thereof ordains, &c. And King *Henry* the Eighth, in the Preface to that ample Charter granted by him thro' the Intercession of Cardinal *Wolsey* to this University, expresses himself in the like Manner. Pope *Boniface* the Eighth, in the Preamble of his *Bull*, exempting this University as much as in him lay, from Archiepiscopal and Episcopal Jurisdiction, signifies, That he thought it worthy and due, that gracious Favours, and the Helps of proper Liberties and Conveniences be extended to Persons intending the Studies of Learning; by whom

14 Hen. 8.

whom the Catholick Faith, and the Worship of God is promoted, Justice preserv'd, and both publick and private Affairs well order'd for the Prosperity of Mankind.

Though this University be situate within the Diocess and Arch-Deaconry of *Oxford*, and the Clergy ordinarily, in Causes Ecclesiastical, are subject to the Diocesan and the Arch-Deacon; yet the Chancellor of the University, in all such Causes happening betwixt Scholars, for time immemorial has used and been accusom'd to exercise Jurisdiction; and that by such Use and Custom Ecclesiastical Jurisdiction may be acquired, *Lyndwood* affirms; and this is well proved by Authority out of the *Canon Law*, as when the Bishop of *Belva* consulted Pope *Innocent* the Third, whether, upon a Complaint made unto him, he might proceed against some Clerks belonging to the Chapter of that Place, the Chapter claiming Jurisdiction over them: He answer'd, That those who had Cause of Complaint, ought to have recourse to him, as their Ordinary, for any thing done in his Diocess, until the Chapter had Right to claim the Jurisdiction by Privilege, that is, by Grant, or by special Custom; where the *Gloss* likewise notes, that Custom is sufficient to make a Jurisdiction: And that the Chancellor of this University has exercised Jurisdiction among Scholars and others in Ecclesiastical Causes for a great Length of Time, appears from very ancient Records.

Those who have contended to render this an Ecclesiastical Corporation, affirm, That the Chancellors original Jurisdiction was Ecclesiastical, and that Ecclesiastical Persons being capable to prescribe to Temporal Jurisdiction, were much more able to receive it by Grant from the Kings

Kings of this Realm; and that the Civil or Temporal Jurisdiction was added to it, both for the Confirmation and Augmentation thereof: From whence it was, that the Chancellor's Court was secur'd from Prohibitions by King *Edward* the First, Second, and Third.

The Right of proving Wills, granting Letters of Administration, and passing Accounts, have always (say they) been held to be special Parts of Ecclesiastical Jurisdiction; and what the Chancellor's Right was in those Matters anciently, is attested by an Administration granted in the Seventh of *Edward* the Sixth, where *Thomas Symmons*, Fellow of *Merton-College*, dying, made his Will; but the Executors refusing to prove the same, an Administration was granted, with the Will annex'd in the King's Name, yet in Right of the Chancellor of the University, to *Robert Barnes* and *William Smyth*, Fellows of the same College; wherein it is declared, That in that Case the Power of disposing of the deceased's Goods and Debts, and of committing the Administration thereof, and of taking and passing an Account, did notoriously belong to the Chancellor of the University only and wholly, by ancient and laudable Custom, lawfully prescrib'd, and quietly enjoy'd till that time without Interruption. To which may be added, That *Mr. Selden*, in his *Dissertations* upon *Fleta*, writes, that to Bishops Consistories divers other Courts have been added, as the Courts of many Abbots; to whom the Privilege of Spiritual Jurisdiction was allow'd, and the Courts of both the Universities.

In the Ninth Year of *Edward* the Third's Reign, *Robert Stratford*, Chancellor of this University, supplicated him; that whereas the said Chancellor had all Manner of Jurisdiction

jurisdiction over Scholars of the University, and Lay-men contracting with them, or offending against them, with Power to constrain and punish them by all Manner of Coertion and Censures; and that some of them being convened, as well by reason of their Contracts, as for their Offences, Contumacies, and Rebellions, had incurred the Sentence of the greater Excommunication, and betaken themselves to Places far remote, slighting these Sentences, and persevering under them, for the Space of 40 Days; that thereupon he would grant, that upon Signifying them by the Chancellor, the usual Writs for arresting them, as is accustom'd, upon the Signification made by Bishops and Ordinaries, might be awarded. He, desirous to proceed for the Tranquillity of the University by all possible means, and willing to afford a fit Remedy against Contumacious and Rebellious Persons, granted, that upon Signification made by the Chancellor of the University by his Letters Patents, that Writs should be issued out of the *Chancery* for arresting such excommunicated Persons, in the like Manner as has been accustom'd upon the Signification of the Bishops and Ordinaries, for the Space of three Years. And in the 12th Year of his Reign, on the Request of *Robert*, Bishop of *Chichester*, and Chancellor of the University, the same was granted for the Space of three Years longer; and after several Continuances of this Power by divers Kings, the same was made perpetual by Henry the Eighth.

14 Edw. 3.

18 Edw. 3.

2 Ric. 2.

16 Ric. 2.

1 Hen. 4.

A Privilege is said to be as it were a private Law, and *extra jus Commune*; but such Privilege obtain'd contrary to the publick Utility of the Realm is not valid; nor can the Privilege of one Person destroy and take away the Privilege

lege of another ; nor ought it to be granted to the Damage and Prejudice of another ; and every Privilege ceases, when the Cause and Reason of such Privilege ceases ; thus a Privilege granted in Respect of any certain Quality, lasts and endures so long as such Quality remains, and no longer. Privileges granted to Universities and Colleges, are not lost and forfeited on or by reason of the Offence and Contravention of particular Persons : And as Privileges granted to Scholars are extended to their Servants, and such Persons as dwell with them in their Studies ; so are Privileges granted to Colleges and Universities, granted also to their Servants and Familiars.

Although every privileged Person may regularly wave and renounce the Privilege granted to him either by the Law, or by the Prince, of suing, or of being sued, in any certain Court annex'd to such Privilege, so that the Consent of the Judge is not necessary, but the Consent of Parties is sufficient ; yet this Rule proceeds no further than this, *viz.* That when the Privilege of such Court is principally granted in Favour and for the Advantage of the Person waving his Privilege.

A Privilege is either *Personal* or *Real* : A *Personal* Privilege follows the Person of him to whom it is granted, and dies with him, if the final Cause of granting such a Privilege be extinguished ; but where the final Cause of granting such a Privilege is not extinguished, either through the Death or Means of the Party privileged, such Privilege does not expire : For *cessante causâ finali, cessat effectus ; & non cessante causâ, durat effectus.*

He that alledges a Privilege, ought to prove the same ; because a Privilege as it is a Matter,

is not presumed; and a Privilege is not prov'd by the Usage thereof, but by a just and good Title thereunto; for he that avers a Privilege, alleges *malam fidem*, unless he proves a Title thereunto.

There is this Difference between an Indulgence and a Privilege, that an Indulgence, properly speaking, is a Dispensation, which is granted not contrary to the Common Law, but contrary to the Statutes and Rules of a particular Foundation: Whereas a Privilege is a proper and private Right, granted to any Person or Corporation contrary to the Rules of the Common Law: For Privileges are Abatements of Common Right, because they add *privato juri*.

The Title of a *Physician* does not privilege and exempt a Person, who is chosen Constable of a Parish; for there is a Difference between a *Lawyer* and a *Physician*, the former enjoying his Privilege by reason of his Attendance in publick Courts, and not on the Account of any private Business in his Chambers: But a *Physician's* Calling is a private Calling.

In a Convocation held on the 4th of June, 1565. it was decreed, that whereas divers privileged Persons enjoy'd the Privileges of the University, and the Freedom of the City of Oxford at the same time, in Repugnancy to the Statutes and Customs of the University, they should either renounce all Jurisdiction which the City claim'd over them, or wholly wave and quit their Claim to the University-Privileges; for that the University would not suffer them to be of both Corporations. See also the Decree of the Convocation of the 2d of April, 1576. Register K.

The Year here in the University of Oxford is divided into four Terms; the first begins the
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10th of *October*, and ends the 17th of *December*, and is called *Michaelmas-Term*; the second, called *Hilary* or *Lent-Term*, begins the 14th of *January*, and ends the *Saturday* before *Palm-Sunday*; the third, called *Easter-Term*, begins the 10th Day after *Easter*, and ends the *Thursday* before *Whitsunday*; the Fourth is called *Trinity* or *Ast-Term*, beginning the *Wednesday* after *Trinity-Sunday*, and ending after the *Ast*, sooner or later, as the Vice-Chancellor or Convocation shall think meet. If the Beginning or End of any Term shall happen on a Holy-day, the Beginning and Ending of the same shall be delayed and put off to the Day immediately following. Full Term is said to be begun as to Exercises, the first Day of the Week ensuing the first Congregation; so that if the Term begins on a Sunday, the Sunday following begins the Full Term. The Day before the Beginning of each Term, there is a *Latin* Sermon preach'd by some Doctor or Batchelor in Divinity, to the Clergy in *St. Mary's Church*, immediately after Prayers, according to the Liturgy of the Church of *England*; and no one can preach this Sermon, unless he be in holy Orders, a Graduate in Divinity, or at least four Years standing Master in Arts on the Divinity Line, and admitted to preach by the Vice-Chancellor; who is to read these Prayers, and all others, upon any Occasion, either by himself, his Deputy, or some other publick Professor of Divinity, or some Doctor of Divinity, or Head of a House, substituted hereunto by the Chancellor, Vice-Chancellor, or his Deputy; and celebrate all other Divine Offices then and there to be performed, the Litany excepted, which is to be sung by two Masters of Arts there present, and of the Proctors Appointment, by their

their Monition or Request to them by a Beadle; and if any one hereunto admonish'd, or requir'd, shall refuse thus to sing, they shall be mulcted in the Sum of five Shillings, to the Use of the University; and the Proctors shall appoint others there present, till some take this Office on them; and if no Body will do it, the Proctors shall be obliged to sing it themselves. After Prayers and Sermon ended, there is a Sacrament or Communion for such as will worthily receive the same, according to the Canons and Discipline of the *English Church*; and thus is every Term with great Solemnity entred upon.

Matriculation, or the Registring of Names is so called from the *Latin Word Matricula* anciently signifying a *Kalendar*, or Register of Names, such as is kept in every Parish for the Registring the Names of Persons baptized, married or buried; and among Soldiers it signifies a Muster-Roll: Thus in the Church, there was the *Matricula Clericorum*, being a List or Catalogue of the Officiating Clergy; and a *Matricula Pauperum*, a Kalendar of the Poor, who receive Alms, &c. In the University of *Oxford*, this *Matricula* or Register is kept by one of the superior Beadles (usually the Law-Beadle) into which Book the Name of every Person is entred, who is willing to become a Member of this University. And all Persons so registred, after their taking the usual Oath, to keep and maintain the Privileges, Customs and Statutes of the University, (if above 16 Years of Age) shall be deem'd and had as privileged of the same, by the Charter of *Hen. 8.*

Every Student or Scholar of what Condition soever he be, ought within 15 Days after his first Coming hither, to appear before the Chan-

cellor or his Commissary, for this his Matriculation; nor can any Student or Scholar enjoy any of the Privileges of the University, till he becomes matriculated: And if any one lawfully admonished hereunto by the Head of any College or Hall, or his Deputy, shall neglect or refuse the same, he is mulcted in the Sum of 6 s. 8 d. for every 15 Days of his Delay to the Use of the University. All matriculated Persons of 16 Years of Age are to subscribe the 39 Articles, and to take the Oaths of Allegiance and Supremacy, and also an Oath to bear true Fidelity to the University, in the Observance of its Statutes, Customs and Privileges: But if the Person to be matriculated be under 16 and above 12 Years old, he only subscribes the aforesaid Articles, and is matriculated; and if he be under 12 Years, he is only matriculated; and in each Case as soon as he arrives at a mature Age, he shall perform every thing necessary to his Matriculation, under the aforesaid Penalty.

All Heads of Colleges and Halls, and in their Absence their Deputies, are obliged within 15 Days from the Time of any Scholars Admission into their Colleges and Halls, to see that this Matriculation be duly observed; and it is the Duty of the Person's Tutor to go along with him, and there, upon the Oath which he hath taken to the University, to give an Account of the Condition and Quality of the Person to be matriculated, *viz.* whether the Son of a Nobleman, Knight, Doctor, Esquire, &c. And on the Tutor's Refusal to give the Vice-Chancellor this Account, he shall be interdicted the Office of a Tutor. And if the Head of the House, or his Deputy, does not compel such Person to appear and qualify himself to be a Member of the University, upon Notice given to him by the

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Superior Beadle in *Law* or *Divinity*, that such Person is not matriculated within the aforesaid Time, he shall be mulcted in the Sum of 3 s. 4 d. for every 15 Days Delay, after such Notice given to him.

All Students, of what Condition soever, are to be admitted into some College or Hall, within a Week from their first coming to the University; where they are to take their constant Victuals and Lodging, and not to diet or lodge in any private House, upon any Account beyond the said Time, unless the Chancellor or Vice-Chancellor approves the Reason thereof, under the Pain of Losing the Privileges of the University for this Offence; and upon a growing Contumacy herein, under the Pain of Imprisonment or Expulsion: Yet Scholars may lodge in any Houses or Tenements annex'd or to be annex'd to Colleges or Halls, wherein Townsmen do not keep a Family: No Houses can be thus annex'd, unless they are so situate, that Entrance be to them only by the Common Gate or Door of the Hall or College, which is in the Care of the Chancellor or his Commissary.

Scholars in every Hall and College are each of them to have their Tutors from their immediate coming hither till they are promoted to some Degree, or (at least) have compleated 4 Years time here, as Students in the *Civil* Law: And no one may be a Tutor, unless a Graduate in some Faculty, a Person of Learning and Probity, and also of sound Religion, to be comprov'd of by the Head of the House wherein he lives; and if any Dispute arises about the same, the Matter is to be adjudged of by the Vice-Chancellor: And if it appears to the Vice-Chancellor by Legal Proofs, that such Tutor is insufficient, and not qualified, the Vice-Chancellor may in-

terdict him the Office of Tutor for altogether ; which Office consists in instructing the Scholars committed to his Tuition in good Manners and approved Authors, and in the Principles of the Christian Religion, as derived from sacred Writ, and not from the idle Systems and distinguishing Institutions of Men, whose Business it is for filthy Lucre's sake, rather to divide than unite us in the true Catholick Faith and Doctrine of *Jesus Christ* ; and if any one shall offend herein, he shall be punish'd according to the Discretion of the Chancellor or his Vice-Chancellor. It is also incumbent on the Tutor, to take Care and see that his Pupil be statutable in his Habit, &c. and for any Delinquency of his Pupil, the Tutor shall be mulcted 6 s. 8 d. for the first, second, and third Time ; and for the fourth Time the Vice-Chancellor shall interdict him the Office of a Tutor.

No Head of a College or Hall can admit any Scholar, of his own Accord, leaving another College or Hall, without Leave first obtain'd under the Hand-writing of the other Head, who ought to bear Witness of his Life and Conversation, and specify the Cause of such Scholar's Departure ; that the Chancellor of the University, for the time being, may approve the same, (if reasonable) by calling before him such Head, and examining into the same ; and if such Head shall transgress herein, he shall forfeit 40 s. for the Admission of every Person thus admitted. And if any Scholar shall be expell'd any College or Hall, he shall not be admitted into any other College or Hall, until the Chancellor shall by Cognizance of his Expulsion, and of the Punishment first inflicted on him *pro arbitrio suo*, deem him fit to be thus admitted, under the Pain of 40 s. for every Scholar admitted contrary to the Intention of this Statute, to be paid to the University

versity by such Head or his Deputy herein offending, and under the Pain of Bannition to be inflicted on the Scholar, whom the Vice-Chancellor has legally adjudg'd expell'd, as procuring to have himself thus admitted, before he has undergone the Punishment of the Vice-Chancellor's Imposition.

All Scholars in the Faculties of Arts (except the Sons of Barons, having a Right of Suffrage in the upper House of Parliament, and the eldest Sons of Baronets and Knights-Bachelors) do wait four Years, or sixteen Terms, to be reckon'd from the Day of their Matriculation, before they take a Batchelor's Degree; and diligently attend all publick Lectures, and do the other statutable Exercise for the same; such as *Generals, Juraments, Answering Under Batchelor, &c.* and are also bound to live in the University, and not in any private House, but in some College or Hall, *absque dolo malo*. The Persons above excepted take this Degree after three Years compleat standing in the University, and Barons Sons within less Time, if the Chancellor pleases, on performing the Exercise necessary hereunto, provided these Persons be not Fellows or Scholars of any other Foundation; but then they must be matriculated under such Title and Quality. *Generals* are Disputations on three *Logical* Questions from one a-Clock in the Afternoon till three, formerly called *Variations* and *Disputations* in the *Parvise*; and these are had every *Monday, Wednesday* and *Friday*, in full Term, in the publick Schools of Arts, under the Moderatorship of some senior Sophist, or Batchelor of Arts; and the Respondent, to this End, gives out his Questions, to be disputed on a Week before such Disputation, to be approved of by the Master of the Schools, im-

mediately after *Austins*, on *Wednesdays* and *Saturdays*, (for which the Master receives 6 d.) with the Names of the Disputants, under Pain otherwise that this Exercise shall not go *pro formâ*: And for the Inspection of this Business, the Proctors do *de quatrduo in quatrduum* name four Masters, who ought regularly to preside and moderate herein, under the Pain of 3 s. 4 d. *toties quoties* for absence. This Exercise is not to be perform'd till the Student be two Years standing in the University, and three Terms (at least) e'er he supplicates for a Batchelor's Degree; and then he is created *General*, or *senior Sophist*, immediately after the End of these Disputations, by one of the aforesaid Masters in the Natural Philosophy School. These *senior Sophists* are obliged every Term afterwards, till they take this Degree, to dispute once at least in the *Parvise*, under Pain of the former Disputation not going *pro formâ*; which is termed *Furaments*, from the Oath taken at the Time of proceeding Batchelor, that they have done all the Statutable Exercise; and the Congregation cannot dispence with the making of *senior Sophists* and *Furaments*. When a Scholar is created *Senior Sophist*, the Master, ascending the *Rostrum*, makes a short Speech to him in Praise of *Aristotle's* Logick, and exhorts him to the Study of good Letters; and this under the Pain of 10 s. if the Master neglects the same, delivering *Aristotle's* Logick into the Scholar's Hands; who thereupon puts on the *Sophists* Hood, and till then he is deemed properly a Scholar. If any Controversy arises about the School wherein this Exercise is to be done, it is decided by the Seniority of the Moderators; and if there be no Moderator, then by the Seniority of the Respondents, who are bound by 8 in the Morning

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to fix up on the Publick School Gates the Questions to be disputed, with their own Names, and the Names of the College or Hall whereunto they belong; which they ought not to pull down by themselves, or the Means of other, till the Disputations are ended, under Pain of 3s. 4d. on the Master's Complaint thereof to the Vice-Chancellor or Proctors. These Persons are attended from St. Mary's Church to the Schools, by one of the Yeomen Beadles, for which he receives 2 s. of every Scholar, to be equally divided amongst them, (I mean of such as answer *pro forma*, and not *pro termina*) which Beadle the same Day enters the Names of the *Senior Sophists* into a Book to be kept by the Yeomen Beadles, under the Forfeiture of 3 s. 4 d. to the University, for Default thereof *toties quoties*. In these Disputations in the *Parvise*, the Person is to answer once, and oppose once, *pro forma*, from one a Clock to three in the Afternoon.

Besides these *Generals* and *Juraments* to be perform'd for this Degree, the Party must twice answer at *Lent Determinations* for an Hour and a Half under Batchelor, unless the Congregation shall think fit to commute his second Turn at *Determinations* into the other Turn of answering at *Generals*; but no one can answer at these *Determinations* until he has spent four Terms in the Study of *Grammar*, *Rhetorick*, and *Logick*; and only one can answer under this Batchelor in one and the same Day, the *Respondent* sitting opposite to the *Opponent*, under the Batchelor's Pew; and if the *Respondent* shall do otherwise, his Answer shall not be *pro forma*; and if the *Opponent* shall offend herein, the Vice-Chancellor and Proctors may punish him at Discretion.

From the Time of Admission to a Batchelor's Degree, every Artist is oblig'd to wait 12 Terms

in hearing of publick Lectures assign'd him, and in frequenting of Disputations, as well as disputing himself, before he can sue for his Grace in order to have a Master of Arts Degree: And if any one shall have done the necessary Exercise for a Master's Degree, and have spent the Residue of his Time in any other University, the same shall be allow'd him as spent herein, provided it appears by a Testimonial under the Seal of such University, where he professes himself to have studied, or by some other credible Evidence. As to the Exercise for a Master's Degree, it is decreed, That every Batchelor of Arts, after Admission to his Degree, shall solemnly determine in *Lent*; and these *Lent Disputations* are called *Determinations*, because they do determine and finish the Conditions of a Batchelor's Degree, and truly compleat the same; and also for the Degree of Master, he must answer at *Quodlibet* Disputations, so stiled because he must answer on three Questions to be propounded by any Master at Pleasure, after he has finish'd his *Lent Determinations*. Besides these *Determinations* and *Quodlibets*, such Batchelor must either as a *Respondent* or *Opponent*, dispute in *Austins*, speak two Declamations, and read six solemn Lectures, before he can be promoted to a Master's Degree. Every Batchelor presented to this Degree is oblig'd solemnly to determine the *Lent* following, unless his Grace be simply granted him, under the Pain of such Grace being not confirm'd to him, unless he alledges some Impediment to be approv'd by the Vice-Chancellor and Proctors; in which Case he may defer his Determination to the next *Lent*, then to be perform'd under the like Penalty. And to prevent all Tumults heretofore wont to happen about the Choice of *Collectors* in *Lent*, it is,

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in Pursuance of the Statutes transmitted to the University by K. Ch. I. ordain'd, That the Proctors for the time being shall on *Egg-Saturday* appoint two of the *determining* Batchelors to serve this Office, each of the Proctors chusing one *Collector* out of some College or Hall at Pleasure; and if any Proctor shall be found guilty of Bribery in this Choice, he shall be removed from his Office *ipso facto*, and be oblig'd to refund all Fees and Sums of Money whatsoever by him received from the Batchelors of that Year, and forfeit the same to the University-Chest. These Collectors, as soon as admitted to their Office, are to go to their respective Halls and Colleges without any Noise or Disturbance; and not to entertain any Persons at all in their respective Colleges and Halls, with Computations, &c. under Pain of present Amotion from their Office by the Vice-Chancellor, and other Persons by the Proctors be substituted in the Places of the Parties thus offending and removed. The Office of these Collectors is, equally to distribute (as far as possible) the *determining* Batchelors into certain Classes, and to allot each of them their Schools separately, under the Pain of 10 s. to be inflicted on the Collectors to the Use of the University, if he deposes two Batchelors at one and the same Time, to answer in the same School, and the like Penalty on any Batchelor intruding himself into a School assign'd to another; besides, such Exercise then done shall not go *pro forma*. These *Determinations* are had every Day of the Week, besides *Saturday* and *Sunday*, unless a Holy-Day happens, from the Beginning of *Lent* to the End of the Term, the *determining* Batchelors answering in their proper Turns, and in the publick Schools, according to the Order of the Class wherein they are placed.

placed. These *Collectors* take place according to the Time of their Presentation and Admission to their Batchelor's Degree, unless the Right of Seniority belongs to one of them *ratione promotionis*, i. e. by *Grand Compoundership*.

On *Ashwednesday*, according to an antient laudable Custom, immediately after the *Latin* Sermon preach'd to these *Determiners*, there is a Bell rings out, calling the *Presentator* or *Dean* of every College and Hall, with his *Determining* Batchelors of that *Lent*, attending him in in their proper Habits, to the Schools, which they chuse according to the Seniority of every *Dean* or *Presentator*; and having made choice of their several Schools, the *Dean* or *Presentator* mounts the Pew, and has three Questions propounded to him in *Natural Philosophy*, with Verses read, briefly explaining the Sense thereof, by each of the *Determiners*; which Questions and Verses, as soon as propounded and read, one of the Senior Batchelors takes upon him to answer the *Dean*, who is always *Opponent*, after the *Dean* has propounded a Syllogism or two to his *Determiner*; who thereupon prays his *Aristotle* (for so is the Senior Responding Batchelor called) to answer for him, as long as the *Dean* shall think fit: And these Disputations hold and last from One a Clock till Five in the Afternoon, when the first *Determiner* in each School, in the Name of the rest surrounding, on his bended Knees, ought to return Thanks to the *Dean* and the *Aristotles*, or Senior Batchelors, under a certain Form of Words too needless here to express; and if any Person shall be Delinquent or wanting in any of the Premises, he shall be punish'd at the Discretion and Pleasure of the Vice-Chancellor and Proctors. Every *Saturday* Morning, from the

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Beginning of *Lent* to *Palm-Sunday*, all the *Determiners* are bound to meet at St. *Mary's* Church at Eight a Clock, for Prayers, according to the *English* Liturgy, and if any shall be absent, they shall be mulcted at the Discretion of the aforesaid Persons. After the End of Prayers, on the Vigil of *Palm-Sunday*, the Junior Proctor makes a Speech, rebuking all Errors committed in point of Learning during the *Lent*, as well as Offences against Good Manners, especially Tumults, Brawlings and Fightings, if any shall have happen'd; and commending such as have deserved well by their Disputations and their modest and peaceable Behaviour. On the *Thursday* and *Friday* immediately after *Ashwednesday*, the Collectors may assign as many *Determiners* to answer *pro forma* out of the Class or Order, as exceed the Number of Schools and the usual Days of Disputing; every *Determiner* answering twice in *Lent*, unless it shall be necessary sometimes for some Classes to answer thrice, by reason of the unequal Number of Days: And such as cannot be reduc'd into Classes, shall be assign'd (as aforesaid) to answer on the *Thursday* and *Friday* next to *Ashwednesday*, and in the Afternoon of such Days, as Disputations are had in the Forenoon; and such *Determiners* as are supernumerary to the Schools, shall determine in the *Divinity-School*. These Collectors in disposing their Classes ought to have special Regard to Persons of more eminent Condition and Quality, to place them so as they may have the Opportunity of praying a *Gracious Day*; and if the Collectors herein offend, they are to be mulcted at the Pleasure of the Vice-Chancellor and Proctors. On *Fridays*, Vigils of Feasts, and other Days, on which a Congregation of Regents is held, Disputations begin at Nine a Clock in the

the Forenoon, and end at Twelve, unless on *Gracious Days*, when they end at Eleven; and on all other Days they begin at One a Clock in the Afternoon, and end at Five; and as soon as these Disputations are ended, on the Ringing of the Bells, all Persons are to depart the Schools, under the Pain of 20 Shillings to be paid to the University, without assigning some reasonable Excuse, to be approv'd by the Vice-Chancellor. On *Mondays, Tuesdays, Wednesdays* and *Thursdays*, these Determiners dispute on *Logical Questions*, which they are oblig'd to defend, according to the Authority of their great Master *Aristotle*; and on *Fridays*, on *Grammatical, Rhetorical, Political, and Moral Problems*; in *Grammar* they are to follow the antient and received Authors; and in *Rhetorick, Politicks, and Moral Philosophy*, they are likewise bound to defend *Aristotle*, and the whole Doctrine of the *Peripateticks*, under Pain that if any one shall do otherwise, his Answer shall not be taken *pro formâ*, and he shall be also mulcted Five Shillings *toties quoties*.

Every Batchelor of Arts, after his full *Determination*, ought once every Year to answer or oppose at *Austin* Disputations every Saturday in full Term, from One a Clock till Three in the *Natural Philosophy* School, if he be requir'd so to do by the Collectors hereunto deputed by a lawful Premonition of 15 Days; that is, if no Batchelors for 15 Days before shall offer themselves to these *Collectors* for to dispute *pro formâ*; and if any Person shall refuse, if he has not disputed within half a Year before, his Exercise the Year before such Refusal, and the Year ensuing, shall not go *pro formâ*. The Senior Batchelor at these Disputations shall have his Choice of opposing or answering, unless one

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of the Disputants be a Baron's Son, having a Suffrage in the House of Lords, or may expend *de proprio* to the Value of 40 l. *per Annum*. But the Master of the Schools may also appoint *Wednesdays* for these Disputations, if he knows every *Saturday* for a Month together to be already taken up; and if these two Days are not enough for these Disputations, the Congregation may dispense with the same on any other Day, on a Certificate under the Hand-writing of the Masters of the Schools, that every one of the said Days appointed for *Austins* is already taken up, even to the End of the Term. The Questions are deliver'd to the Master of the Schools seven Days, and fix'd up on both the Schools Gates three Days before, under Pain, that this Exercise shall not go *pro formâ*. The Proctors every Year, on their Entrance into their Office, are to name two Masters of Arts alternately in their own Persons, and not by another, to preside at *Austin* Disputations, unless it be in case of Sickness, or some extream Necessity, and the Person be substituted with the Consent of the Vice-Chancellor and Proctors: And moreover the Proctors are at the same time to name two Batchelors of Arts for *Collectors* at *Austins*, who are to see that there be no Want of these Disputations thro' a Defect of Disputants; and to which end, these Collectors alternately may order two Batchelors of Arts, beginning with the *Seniors* of the third Year, and so downwards *seriatim*, to dispute *pro termino*, &c. on 15 Days Premonition, if none offer themselves ready to dispute *pro formâ*: and if the Persons thus premonished shall refuse to dispute, or shall not publish their Questions three Days beforehand, according to the Statute, the *Collectors* shall report their Names to the
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the Proctors, for the immediate Punishment of this Offence ; and if the *Collectors* shall be wanting in their Duty, either the Vice-Chancellor or one of the Proctors may mulct them in the Sum of 10 Shillings, to the Use of the University.

According to the antient Statutes of the University, all Persons were obliged cursorily to read certain prescript Books, before they became Licentiates in Arts ; which Lectures being found by frequent Experience to be without any Benefit to the Readers or Hearers, all Proceeders are now bound to read six solemn Lectures in the publick Schools, between the Hours of One and Two in Term Time, viz. Three in *Natural Philosophy*, and Three in *Ethicks*, without Borrowing or Transcribing from Authors, but purely of their own Composition ; and each of these Lectures is to last above half an Hour.

Before any Person can proceed to a Batchelor of Musick's Degree, he ought to spend seven Years in the Study or Practice of Musick, and bring a Testimonial thereof under the Hands of credible Witnesses ; and before he can supplicate for his Grace towards this Degree, he ought to compose one Song of Five Parts, and perform the same publickly in the *Musick-School*, with *Vocal* and *Instrumental* Musick : And a Batchelor of Musick, before he can be promoted to a Doctor's Degree in that Faculty, ought to spend Five Years, after taking a Batchelor's Degree, in the Theory or Practice of Musick, and have a Testimonial as aforesaid. For his Exercise, before he becomes an Inceptor in this Faculty, he ought to compose a Song of Six or Eight Parts, and perform the same as aforesaid.

A Student in the *Civil Law*, before he can attain a Batchelor's Degree in that Faculty, if he be a Master of Arts, ought to hear the publick Professor thereof read for three Years after his Admission to his Regency; but if he be a Student, who has not taken a Master's Degree, then he ought to have diligently attended the Reading of the publick Professor for five Years compleat; and such Student ought for two Years to apply himself to the Study of *Logick*, *Ethicks*, *Politicks*, and other Studies in *Humanity*, before he enter on the *Civil Law* Line, unless the Local Statutes of his College shall require him to apply himself to the Study of the Law sooner. Every Student in Law, before he can supplicate for his Grace, in order to take a Batchelor of Law's Degree, ought to perform two Turns at Law-Disputations, as principal *Opponent pro formâ*, i. e. as *first* or *second Opponent*; and be once *Respondent pro formâ* in the Law-School, from One a Clock till Three in the Afternoon: and if there be no Person to be Opponent for this Degree, the publick Professor himself may oppose, or his Deputy. For the Degree of a Doctor in *Civil Law*, a Person ought to hear the Professor of Law read for four Years (if he has proceeded Batchelor of Law on a Master of Arts Degree) to be computed from the Time of his Admission to his Batchelor of Law's Degree, before he can be an Inceptor in Law: But if he has only proceeded Batchelor of Law, then he shall be obliged to attend the Professor's publick Lectures for five Years from his said Batchelor's Degree, before he becomes a Doctor in Laws. Before a Batchelor of Law can be admitted to an Inceptorship in this Faculty, he ought publickly to read six solemn Lectures from One a Clock till

till Two each Day, therein explaining any Part of the whole Body of the Civil Law, as he pleases ; or (at least) three Curfory Lectures on some one Title in the *Code* or *Digest*, viz. *de Judiciis*, *de Probationibus*, or *de Re judicatâ*, explaining either of the said Titles : And as for a Batchelor's Degree, the Questions ought to be fix'd up, together with the Names of the Disputants, for seven Days before Disputations, on each outer Gate of the Schools, and on the Walls of *All-Souls* and *Oriel College*, towards the Street : So likewise ought the Subject and Time of Reading for a Doctor of Law's Degree, to be fix'd up in the same Places for three Days beforehand.

By the antient Statutes of the University, a Student in *Physick* was not obliged to proceed Master of Arts, in order to acquire a Batchelor of *Physick's* Degree ; but was only to attend the publick Lectures in that Faculty for six or seven Years for the said Degree ; and if he was a Master of Arts, then three Years Attendance was accounted sufficient : But now by this new Body of Statutes, he must be promoted to a Master of Arts Degree, and afterwards attend the publick Lectures in *Physick* for three Years, before he can arrive at a Batchelor of *Physick's* Degree ; and before he can have his *Grace* proposed, he must be once *Respondent* and once *Opponent pro formâ*, from One a Clock in the Afternoon, on two Questions in *Physick*, in the School proper to this Faculty ; and more than two cannot be *Opponents pro forma* the same Day. If there be no *Opponent* to dispute for this Degree, the publick Professor or his Deputy may be an *Opponent* ; and the Questions, with the *Respondent* and *Opponent's* Names, are to be fix'd up in the same Places as at Law-Disputations.

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After a Batchelor's Degree, he is to wait four Years for a Doctor's Degree, and to read either six solemn Lectures from One a Clock till Two each Day, on any Part of *Galen's* Works, at pleasure, or three Cursory Lectures, by expounding some one of *Galen's* Books; as *de Temperamentis*, *de differentiis Februm*, *de usu Partium*, *vel de locis affectis*; and before he begins to read either solemnly or cursorily, he is to fix up the Time and Subject of his Lectures three Days at the least, in the same Places as a Doctor of Law is, *viz.* on the Corner-Walls of *All-Souls* and *Oriel College*, towards the Street, and on the two outer Gates of the publick Schools.

For a Batchelor of *Divinity's* Degree, a Man must first become a Master of Arts, and then hear the publick Professor in *Divinity* read for seven Years compleat, from the Time of his Admission to his Regency; and before his *Grace* be proposed for a Batchelor in *Divinity's* Degree, he ought to be *Opponent pro forma* twice, *i.e.* first and second Opponent at *Divinity* Disputations, and be once *Respondent pro forma* from One a Clock till Three in the Afternoon in the *Divinity* School; and moreover, besides these Disputations, he ought for his Exercise to preach a *Latin* Sermon in *St. Mary's* Church, of his own Composition, before he can be admitted to this Degree: But no one can preach this Sermon, unless he be in Holy Orders, and of five Years standing Master of Arts. Four Years after he has been promoted to the Degree of a Batchelor, he may be admitted to be an Inceptor in *Divinity*, on reading in publick six solemn Lectures from One a Clock till Two each Day in the *Divinity*-School, on any Part of the Holy Scripture at pleasure, or some one of

St. Paul's Epistles to the *Galatians*, *Timothy*, *Titus*, or of St. *Peter*, by way of three cursory Lectures: And three Days before he begins to read either solemnly or cursorily, he ought to signify the Time when he will read, and the Subject on which he intends to expound, by affixing the same up at the proper Places for a Doctor of Law's Degree; and a Batchelor of *Divinity* ought to signify the Questions, together with the Agents Names, for seven Days before Exercises, at the Places proper for a Batchelor of Law's Degree.

The Time appointed for taking each of these Degrees being sometimes expressed in Number of Years, and sometimes in Number of Terms, it is provided (to prevent all Cavil) that whenever the Time appointed for any Degree is reckon'd by Years, the same Measure is resolv'd into Terms, computing four Terms in each Year: as when three Years are requir'd, then 12 Terms are sufficient; so when four Years are requir'd, then 16 Terms are enough, &c. In Degrees taken by Under-Graduates, their Time is computed from the Time of their Matriculation; and if any one be matriculated in the Vacation Time, it is reckon'd from the Term following his Matriculation; in Degrees taken by Batchelors of any Faculty, it is computed from the Time of their Presentation to such Batchelor's Degree; and in Degrees, presupposing a Master's Degree, from the Time of their Admission to their Regency: And because few Persons are commorant in the University for every Day in a Term, those only shall be said to keep the Terms, who are resident in the University for a Month at least in each Term of *Michaelmas* and *Hilary*, for three Weeks in *Easter* Term, and a Fortnight in that of *Trinity*; and

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and frequent all the statutable Exercise; except the Term wherein any one takes a Degree, the first Day of which, according to ancient Custom, being reckon'd a compleat Term; and the Term of his Matriculation, the last Day being reckon'd an entire Term.

There is a general Commencement once every Year in all the Faculties of Learning, which is called the *Act* at *Oxford*, and the *Commencement* at *Cambridge*; which *Act* is opened on the *Friday* following the 7th of *July*, and Exercises perform'd in the Schools on *Saturday* and *Monday* ensuing the Opening thereof; and also in the publick Theatre, with great Solemnity. On *Saturday*, in the Forenoon, all the Professors and Lecturers read in the several Arts and Sciences, all cloathed in their proper Habits, as was heretofore usual at the *Vespers* or Evening Exercises; which are only now Disputations in the several Parts of Learning, from One a Clock till Five in the Afternoon, the *Artists* Disputations being had in the Theatre, and those of *Divinity*, *Law*, and *Physick*, in their proper Schools. The Inceptors in Arts dispute on three *Philosophical* Questions; and one of these Inceptors (for so are the Masters called, who stand for their Regency in this solemn *Act*) to be appointed by the *Senior* Proctor, has the Place of the *Respondent*: And first, the *Senior* Proctor opposes on all the Questions, and confirms an Argument on the First; then the Pro-
Proctor and *Terra-Filius* dispute on the Second; and lastly, the *Junior* Proctor on the Third Question; and all the Inceptors are oblig'd to attend these Disputations from the Beginning to the End, under the Pain of 3 s. 4 d. At the equal Expence of all the Inceptors, there is a sumptuous and elegant Supper at the College

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or Hall of the *Senior* of each Faculty, for the Entertainment of the Doctors, called the *Aët-Supper*. On *Sunday*, between the *Vespers* and the *Comitia* (for so are the Exercises of *Saturday* and *Monday* stiled) there are two Sermons in the *English* Tongue, at *St. Mary's Church*, preach'd by any one of the Inceptors, as the Vice-Chancellor shall appoint, being Doctors of *Divinity*, in this *Aët*. On *Monday*, at Nine a Clock, all the Inceptors go with the Beadles of their several Faculties to *St. Mary's*, and there, after Prayers at the Communion-Table, make Oblations; and if any Person shall absent himself, or be irreverently present, he shall be mulcted five Shillings, and moreover punish'd at the Vice-Chancellor's Pleasure. Then the *Comitial* Exercises beginning, the *Senior* Proctor mounts the Pew on the *West* Side of the Theatre, and the *Junior* Proctor the Pew opposite to him on the *East* Side. The Professor of *Physick*, with his Inceptors, on the *West*; and the *Law* Professor, with his Inceptors, on the *East* Side thereof; and the *Divinity* Professor, with his Inceptors, on the *North* Side, under the Vice-Chancellor; and the Inceptors in *Musick*, with their Professor in the *Musick* Gallery, on the *South*; and at these *Comitial* Disputations, the same Method is used in respect of the Agents, as at *Vespers*, viz. first, the *Senior* Proctors; then the *Terra-Filius*, and Pro-Proctor; and lastly, the *Junior* Proctor; and he who was Respondent the Year before, is the *Magister Replicants* this Year. The first Opponent among the Inceptors has a Book given him, at the End of Disputations, by the *Senior* Proctor (who, in respect of the *Artists* Inceptors, is called *Father* of the *Comitia*) and is also created Master by a Kiss, and putting on his Cap. After the

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Comitial Exercises in Arts are ended, if there be any Person taking a Musick Degree, he is to perform a Song of Six or Eight Parts on *Vocal* and *Instrumental* Musick, and then he shall have his Creation from the *Savilian* Professors, &c. After the performing of the Exercises, and the Creation of Doctors, according to a prescript Form in each Faculty, the Vice-Chancellor closes the Act in a solemn Speech; wherein it is usual for him to commemorate the Transactions of the Year past, and especially such Benefactions as have been given to the University: And after the End of the Act, the Vice-Chancellor, with the Regents of the foregoing Year, immediately assemble in the Congregation-House; where, at the Supplication of the Doctors and Masters newly created, they are wont to dispense with the wearing of *Boots* and *Slop Shoes*, to which the Doctors and Masters of the Act are oblig'd, during the *Comitia*. On Tuesday after the *Comitia*, a *Latin* Sermon is preach'd to the Clergy, at Eight in the Morning in *St. Mary's* Church; the Preacher to be either some Doctor, or Batchelor in *Divinity*, and of the Vice-Chancellor's Appointment, with a *Pre-monition* for this End from the Vice-Chancellor for three Months before hand. The Questions to be disputed on in each Faculty, are to be approved by the Congregation of Masters some time before the Act; and because that *Civilians* ought to know the Differences between the *Civil* and our own *Municipal* Laws, one of the Law Questions ought to have some Affinity with the *Common* Law of *England*, wherein the Professor, by a short Speech, ought to shew, what the one and what the other Law maintains. If any Contumelious, Reproachful, or Defamatory Language be given in any Speech

or Argument at Disputations, the Vice-Chancellor may convene the Person before him, and command a Copy of his Speech; and if he pretends that he has no Copy, he may convict him by Oath, and punish him according to the Heinousness of the Offence, in respect of Persons and other Circumstances, either by public Recantation, Imprisonment, or Banishment from the University, as a Disturber of the publick Peace; besides the Satisfaction he is oblig'd to make to the Party injur'd: So that there is not that Licence given for an impudent Buffoon, of no Reputation in himself, called a *Terra-Filius*, to sport and play with the good Name and Reputation of others; but the Business of this *Terra-Filius*, is a solemn and grave Disputation. And altho' this manner of sportive Wit had its first Original at the Time of the Reformation, when the gross Absurdities and Superstitions of the *Roman Church* were to be expos'd, and should have been restrain'd to Things, and not have reach'd Mens Persons and Characters; yet it has since become very scandalous and abusive, and in no wise to be tolerated in an University, where nothing ought to appear but Religion, Learning, and good Manners. In the Faculties of *Divinity*, *Law*, and *Physick*, every one takes place, according to the Order of his Presentation or Admission, to be an Inceptor in these Sciences, and shall keep the same for ever afterwards; only *grand Compounders* have the Precedence of all others of the same Year: But Inceptors in *Arts* have their Seniority according to the Proctors Discretion, unless they be *grand Compounders*, who have Precedence as aforesaid. Yet it is provided, that this Disposition shall not prejudice Fellows of Colleges in respect of their Seniority, but that

that the same be governed and disposed according to the Seniority which they bear in their respective Colleges, according to the Local Statutes thereof.

The ordinary Disputations in *Divinity*, shall be had ten times a Year in the *Divinity-School*, viz. on the first and last *Thursday* in every full Term, on the *Thursday* before the first *Sunday* in *Advent*, and also the *Thursday* immediately preceding *Lent*; which Day, if a Holiday, then Disputations shall be had the Day following: And all Batchelors in *Divinity*, of what standing soever, as well as Masters of Arts (unless Proctors of the University, or publick Professors of Arts) are obliged to perform these Disputations, as soon as they have compleated four Years from the time of their Regency, whether they live in Colleges or Halls, unless it does notoriously appear, that they are oblig'd to the Studies of *Law* or *Physick* by the Local Statutes of their College for a Year (at least) before they have receiv'd any Monition to *answer*, or *oppose* at these Disputations; which may evidently appear by their entering their Names in the Beadle's Book. At these Disputations, the Senior Batchelor or Master, is *Respondent*, and the two next downwards in Degree, after the *Regius* Professor (who is Moderator here) are Opponents, and so on, till they have all had their Turns; and then they revert to the *Seniors*. The two Questions to be here disputed on, from One a Clock till Three in the Afternoon, are to be approved by the next Congregation ensuing the Date of the Monition; and all Batchelors of *Divinity*, and Masters of *Arts* of two Years standing from their Regency, who have not apply'd their Studies to any other Faculty, are bound to be present.

The *ordinary* Disputations are only had twice every Year in *Physick*, viz. on the first *Tuesday* in *Trinity* and *Hilary* Term; at which Disputations, all Batchelors and other Students in *Physick*, on the *Physick-Line*, and privileged Persons, are Agents; except the Proctors of the University, and the publick Professors of *Arts*: And the *Senior* of these is the *Respondent*, and the other two are *Opponents*, according to the Course and Method of *Divinity* Disputations; whereat all Batchelors and Students in *Physick* are oblig'd to attend.

The *ordinary* Disputations in the *Civil Law* (called Disputations *pro Termino*) are also had but twice a Year, viz. on the last *Tuesday* of *Easter* and *Michaelmas* Term; at which Disputations, all Batchelors of *Law*, and Persons of Batchelors standing, being Students in the *Law*, are to bear their Turns in the same Course and Manner as at *Physick* Disputations, the Proctors and Professors excepted as aforesaid: And at these Disputations, all Batchelors of *Law*, and Students in that Faculty, are to attend and frequent the same.

The superior Beadle in each Faculty, is to give the Agents notice hereof for six Weeks before the Day of Disputations, unless it be at *Quodlibets*; and there seven Days is sufficient notice: This Premonition ought to be personal (if possible;) and if they cannot be personally summon'd, then by affixing up the Summons subscribed with the Beadle's Hand thereunto, at their Chamber-Door, or at the College-Gate, or at the Buttery-Door, if the Person or Persons retain no Chamber, or Part of a Chamber, in the College or Hall, but have, notwithstanding, their Names written in the Buttery Book, and enjoy the Privileges of the University.

versity. These Monitions the Beadles ought to serve in their own proper Persons, or (at least) by the *Yeomen* Beadles, in a Case of Self-impediment, and by no other Person or Persons; for that such a Monition is not duly served, and the Person thus admonished may well refuse to dispute; and the Beadle shall be punished for his proud and haughty Neglect of his Service and Duty. This method of serving these Monitions is altogether new, and was unheard of in former Times, when the Beadles were better acquainted with Humility, and the true Drudgery of a Beadle's Service: But now Fellows of Colleges becoming Beadles, to the great Dishonour of their Founder's Charity, and the Scandal of Learning, they are almost grown too big for the Duty of so mean an Office or Employment, tho' they scruple not to receive the Profits thereof even to the utmost Extent: And, upon Information, if the Beadles learn, that the absent Person will not be present, probably, at Disputations, at the Time appointed, or have any Knowledge of such Disputation from the Butler, they ought to report the same to the Vice-Chancellor, under the Pain of 10 Shillings, that no Disputations be omitted for want of premonishing the next in Course. These Monitions were always, in ancient Times, subscribed by the Vice-Chancellor, and sealed with the lesser Seal of the University, and so, I think, they ought to be at present, however unwarily left out of the Statute by the new Compilers thereof: For it is absurd, to call that a Monition, which is given by so inferior a Person as a Beadle is to a Master of *Arts*, Batchelor of *Divinity*, &c. The *Respondents* in *Divinity*, *Law* and *Physick*, ought to shew their Questions to the Professors within

within two Days after the Congregation have approv'd of them ; and fix them up seven Days before Disputations on the outer Gates of the Schools, and on the Corner of *All-Souls* and *Oriel-College* Walls, next to the Street. At all these Disputations, the Agents are cloathed in their proper Habits, and as succinctly (as possible) expound and give a State of the Questions to be discuss'd ; wherein the *Respondent* ought not to exceed Half an Hour, and the *Opponent* a Quarter, the Remainder of the Time is to be spent in Argumentation. At all these ordinary Disputations of *Divinity*, *Law*, and *Physick*, the Vice-Chancellor is obliged to be present ; and at *Quodlibets*, the Proctors, or their Deputies, or one of them, to see that these Disputations are duly performed, and that the proper Persons do attend the same ; and if occasion be, to call Names for the absent Persons, by the Mouth of the Beadle. If any of these Disputations shall be wholly omitted, the Person, thro' whose Default it happens, if he be an *Opponent*, and does dispute, either by himself, or his Substitute, shall be mulcted in the Sum of 20 Shillings ; and if he be a Moderator, or *Respondent*, then in the Sum of 40 Shillings ; and if the Beadle shall not give due and proper Notice to the Agents, or the *Respondents* do not formally fix up the Questions, then in the Sum of 10 Shillings ; and if the Disputation shall be omitted, he, thro' whose Default it happens shall (besides his Mulct) be obliged to make good his Turn another time, under the same Penalty, unless the Vice-Chancellor shall excuse him : The Mulcts for these Offences are equally divided between the University, Vice-Chancellor, Proctors, and Beadles of the respective Faculty into four

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Parts. Yet the Vice-Chancellor, for just and good Causes, may suffer these Disputations to be omitted, or give leave to some fit Person to supply the Turn of the Agent in his necessary Absence; and, if he thinks fit, impose a Necessity on some proper Person of supplying this Turn under the like Penalty.

According to antient Custom, Graces or Supplications for Degrees are proposed and granted in the Congregation of Regent Masters, except it be for the Fellows of *New College*, who have their Graces given them in their own House by a certain Privilege: And here are all Dispensations ask'd in Matters dispensable by the Congregation, that fit Persons may be admitted to Scholastical Degrees, and also that Men recommended by other Universities may be incorporated, and according to Custom be licensed in each Faculty. This Congregation now, as antiently, consists of the Chancellor or Vice-Chancellor, the two Proctors or their Deputies, and of such Masters as are *necessary* or Regents *ad placitum*: And nothing can be decreed in this Assembly, to which the Chancellor or his Vice-Chancellor, both Proctors or their Deputies, or the major Part of the Masters present (whose Number ought not to be less than Nine) do not consent; but ought to be taken for not granted, if either the Chancellor or his Deputy, or the two Proctors or their Deputies, or the major Part of the Masters dissent; unless it be in Elections, which are to be made freely, according to antient Custom, by the major Part of the Voters.

By a received Custom, immediately after the End of the *Act* every Year, the Masters of *Arts*, and Doctors in *Divinity*, *Law*, and *Physick*, on the solemn Day of their Creation supplicate to be

be admitted into the Congregation House, and to their Regency in each Faculty, *i. e.* to all and every Act of their necessary Regency, before the third Congregation, unless some grievous Crime be objected to them, which may draw a Scandal on the University; and if they be deferr'd any longer, the Chancellor or his Locum-tenent may summon and admit them thereinto by his own proper Authority: Which Doctors and Masters are necessarily Regents for two Years, unless they be dispensed with for the second Year's Regency (as usual) after the Creation of other Doctors and Masters the next *Act*, and admitted to their Regency in the like manner in the Congregation: Then the Doctors and Masters, admitted to their Regency, take an Oath not to reveal the Secrets of that House, and also swear, that they will not promote unfit Persons, nor hinder those who are fit, from proceeding to their Degrees, &c. Every Master, for this Admission, pays 12 *d.* to the Register, and 4 *d.* to the Beadle of his Faculty; and a Doctor gives 12 *d.* to be distributed among the Poor, at the pleasure of the Vice-Chancellor and Proctors. All publick Professors and Lecturers, Royal as well as others, are accounted Regents *ad placitum*; so are all Resident Doctors, of what Faculty soever, and all Heads of Colleges and Halls, who have been for some time Regents in Arts, and (in their Absence) their Deputies; all Masters of Schools, and Deans and Censors of Colleges, together with all Masters during the 2d Year of their Regency, if they are dispens'd with for the 2d Year of their necessary Regency, as aforesaid.

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 plicate for his Grace, ought to undergo the
 Examination of certain Regent-Masters; and
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lest that the Number of Candidates for this Examination should grow burthenfome to the Examiners, there cannot be more than Six examined in one Day; and the Senior Proctor has the Power of appointing the Day for this Examination, by a Writing under his Hand, provided he assigns to every fix Candidates distinct Days, and registers their Names, with the Day assigned them, in a Book ever kept by the Proctor. Every Person to be examined, after the Proctor's Assignment of a Day, immediately ought to acquaint the Examiners therewith; and the Day before his Examination, he ought to fix up his Name, House, and the Degree which he sues for, on the Schools-Gates, and on *All-Souls* and *Oriel* College Walls, as aforesaid. The Proctor may assign any Day for these Examinations, either in Term or out of Term (if the Number of Candidates require it) with this *Proviso*, that it be no *Holy-day*; and the Place appointed for this Examination is the *Natural-Philosophy-School*; and the Hour for the same is from Nine in the Morning to Eleven; and again, from One in the Afternoon, as long as the Examiners think fit, if they will proceed to a second Examination. The Arts and Sciences they are examin'd in, are those in which they are bound to have heard Lectures; and in those Authors, which publick Lecturers are obliged to read to their Auditors; rejecting some of the Moderns: And they are not only to be examin'd in *Philosophy* (the great Learning of the past Age) but also in *Philology*, and particularly in their Knowledge of the *Latin Tongue*. The Senior Proctor, after Assignment of a Day for Examinations, appoints three Masters to examine the Candidates, and administers an Oath to the Examiners for the just and due Examination

nation of them ; and when the Day appointed is come, the Senior Examiner begins to examine the Senior Candidate, at the Time and Place assign'd ; and after he has done his Examination, the next Examiner proceeds to the next Candidate, and so onwards till they have done ; but any Examiner may ask a Question out of his Course if he pleases, yet with this Caution, that whilst one examines, the others are silent ; and when they have all finish'd their Examinations, they then give the Candidates a Testimonial of their good liking, if they deserve it, under a certain Form.

If any one shall neglect this Office of an Examinant, or refuse to take the Oath, or examine without Swearing, or neglect to appear on the Day and Place appointed, or be present and not examine, or not according to the statutable Appointment ; or lastly, give a Testimonial to a Person whom he has not examined nor heard, such Offender shall immediately be mulct'd in the Sum of 40 s. to the Use of the University ; and if he shall be contumacious, he shall be deprived of his Master's Degree, and be made incapable of proceeding to any other Degree ; and if the Proctor does not give this Oath, he shall be punish'd at the Vice-Chancellor's Discretion : And that these Statutes about Examinations may be observed inviolably, the Vice-Chancellor is oblig'd to attend them twice, and the Proctors four times at least every Term.

No Grace can be propos'd, or Dispensation ask'd for any Degree, unless the Person be of some College or Hall, who sues for the same, and has his Name written in the University-Register, from the Time of his Matriculation, and has also compleated all the Terms requisite for such Degree ; and in the Congregation

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even all Graces and Dispensations must be propos'd by one of the Proctors, or some other Master, with the Vice-Chancellor's Leave; and no Person herein ought to vote for any Reward, or on any Promise thereof, on Pain of being made incapable of proceeding to any further Degree, if convicted; and the same Penalty is inflicted on the Candidate, who is to stand in the *Proscholium* or *Pig-market*, vulgarly so called, during the whole Time of the Congregation, *nudato capite*, until his Grace be either granted or denied. Before the Candidate's Grace can be propos'd in the Congregation, the Testimonial of the Masters, who examin'd him, ought to be publicly read in the House; and if he be a Non-Commorant who sues for a Degree in any of the superior Faculties, none shall propose his Grace under the Pain of Perjury, unless he brings with him Letters Testimonial, signed by the Bishop of the Diocese where he lives, and shewing his Conformity to the Doctrine and Discipline of the Church of *England*, which are to be publicly read in the Congregation. I will not here recite the Forms of supplicating for Graces, because they are almost all the same, with little Variation, in regard of the several Degrees sued for; only I shall add, that more Graces than one ought not to be prayed for at one and the same Time; but the Christian and Sur-Name of every Supplicant ought to be distinctly and severally read; and that the same Grace ought not to be proposed more than once in the same Congregation; and if a Grace be once denied, it ought to be proposed in the very next Congregation, until it be wholly denied or granted. After a Grace has been propos'd by the Dean of the College, or some other Master thereof, standing in the middle of the House,

House, the Proctors rising out of their Seats, first receive the Vice-Chancellor's Vote by way of Scrutiny, and then the Suffrages of all the Regent Masters present, by the Word *Placet* or *Non Placet* being whisper'd into their Ear; and if they find the Grace granted on their comparing Notes, the Proctor pronounces it either *simply* or *conditionally*; and if it be denied, the Proctors return to their Chairs, and are silent for the first three Times, but the fourth Time it is declared to be denied, and the Master Supplicant returns to his Place. The Proctors are by Virtue of their Oaths bound not to reveal the Person or Persons who grant or deny a Grace; and if any other Person shall discover the same, and publish it, he shall be expelled the Congregation-House; and if any Regent shall demand or receive any Gift or Present (mediately or immediately) for the granting of a Grace, or denying the same, he shall suffer the like Punishment, and forfeit double the Value thereof to the Use of the University.

The ancient Statutes of the University gave the Regent Masters the Liberty of denying any Persons Grace thrice *pro arbitrio*, i. e. without assigning a Reason for so doing; but by the present Statutes, if any Grace be denied thrice, the third Time the Person denying it must the same Day give his Reasons for so doing into the Hands of the Vice-Chancellor and Proctors, with the Proof thereof; who are obliged in the next Congregation to publish the Cause and Evidence thereof, but ought to conceal the Name of the Person objecting the same; and if the Reason shall be adjudged just and reasonable by the Vice-Chancellor, Proctors, and the major Part of the Regents, the Grace shall stand denied; and the Person supplicating shall be incapable

capable of supplicating for a whole Year again : And if the Cause alledged be insufficient, the Grace, on a fourth Proposal of it is granted, unless it shall be denied by the Vice-Chancellor, Proctors, and major Part of the Regents, for some other Cause.

There are some just Impediments which may hinder a Person from doing all things requisite to his Degree, according to the Form of the Statutes ; and therefore in such Cases the Congregation is wont sometimes to dispense with some Persons in Matters dispensable by Congregation : But this is a Grace which has done much Mischief to the University, by the sad Abuse of it.

The Master, who reads the Supplication for a Dispensation, has first Leave of the Vice-Chancellor and Proctors for so doing ; and then he reads a Schedule, containing the Reason of suing such Dispensation, with the Name and Condition of the Suppliant, and of the College or Hall where he is commorant : To which Petition, if the Vice-Chancellor, both the Proctors, and the greater Part of the Regents then present, do consent, it is taken for granted ; and the Proctor pronounces a Dispensation granted after the same Manner as he is wont to pronounce Graces granted. The Congregation may dispense with the Absence of two Terms for a Batchelors Degree, and three for a Master's ; for going into the publick Library, for want of diligent attending publick Lectures ; that Terms kept in another University may be reckon'd as kept in this ; for omitting Circuiting and Visiting ; for Circuiting the Day before the Term begins ; for a Grace to be proposed by a Master of another House, if there be no Master of the same House present ; that a Grace

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should be good, tho' not registred within Congregations; that a Grace granted the fore-going Year should be good; that the answering a Second Time Under-Bachelor in *Lent*, should be in the Place of answering at *Generals*, or in the *Parvise*; that a Grace granted to a Bachelor *modo determinaverit proxima Quadragesima* may be good, and be had as pronounced *simpliciter*; that a Bachelor absent on *Egg-Saturday* may be presented to determine the same *Lent*, in case of Sickness or extreme Necessity; and if a Bachelor be hindred from determining the *Lent* past, on the score of Sickness or otherwise, that he may be allow'd to determine the *Lent* following; that *Gracious* Days be given in *Lent*; that a Person to be presented to a Doctor of Law or Physick's Degree (for want of Doctors) may use the Depositions of Senior Bachelors or Inceptors in these Faculties; that a Compounder, instead of Scarlet may use the Black and usual Habit; that the Doctors and Masters may put off their Boots and Slop-shoes after the End of the Act; that the *Cantabrigians*, or Students in any other University, may be in the same State here as the *Oxonians* are with them; that the Term be prorogu'd, &c.

After his Grace is granted, every Person to be presented to a Degree (according to ancient Custom) first of all waits on the Vice-Chancellor, cloathed in his proper Habit, and following his Presentator or Dean, bare-headed, with the Beadles (or one of them at least) going before him; and if he can meet with the Vice-Chancellor, the Dean, in a certain Form of Words, supplicates his Presence at a Congregation the next Day, that he may present his Scholar or Bachelor to his Degree: And from the Vice-Chancellor they immediately

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ly go to the Senior and then to the Junior Proctor, (before the Sun sets) and supplicate them almost in the same manner. If any Person be to be presented to an Inceptorship in Arts, he ought to depolite with the Vice-Chancellor 40 s. as pecuniary Caution for his commencing the next Act; and if he be of an indigent Condition, *Fide-jussory* Caution shall suffice, two Fellows of a College becoming Sureties for his Appearance thereat, and that he will immediately after the Act take Care to be admitted to his Regency; and if he shall fail in either of these Points, his Caution is immediately forfeited to the University: But if he commences, and be admitted to his Regency, the Vice-Chancellor shall notwithstanding retain his Caution, till he has completed the Year of his necessary Regency; that he may deduct from thence in case of any Mult on the Score of Inceptorship or Regency, and then at the Years End restore the residue. If the Person to be presented be a *Compounder*, he waits on the Vice-Chancellor and Proctors in a more solemn manner, *viz.* with the *Vinger*, all the *Beadles*, and the Chief *Library-Keeper*, before him: And this waiting on the Vice-Chancellor and Proctors is called *Circuiting*, as the going round of Batchelors of Arts, from College to College, and from Hall to Hall, for a Master's Degree, is called *Visiting*, who are obliged to enquire after *Visitable* Masters therein, *i. e.* such as are not within three Years, and not above seven Years standing Masters; and if they find any, they are to submit themselves to their Oppositions, and to pray them to be present at their Depositions: And if any Master, upon Examination, shall find the Person to be presented, unfit for his Degree in point of Learning, and shall make a Report thereof to the

Vice-Chancellor and Proctors, they ought to delay his Presentation, until he has undergone a publick Examination in the Congregation-House, whether fit for his Degree or not? Otherwise the Vice-Chancellors and Proctors ought not, on any private Suggestion to oppose his Presentation or Admission, unless he has committed any Crime since his Grace was given him, or has manifestly done any thing that deserves a Denial. On the Presentation-Day, immediately after the Ringing out of the great Bell, the Person or Persons to be presented (if there be many Candidates) in a publick Presentation, make a solemn Procession, walking from their College or Hall to the *Apodyterium* of the Congregation-House, attended with the Head and all the Members of such College or Hall, in their proper Habits, having one of the Beadles before them, and the Dean immediately after these Candidates or Candidate; and if such Candidate be a *Cumulator*, (*i. e.* a Compounder) then the Vice-Chancellor and Proctors, with the Chief Library-Keeper, (in the room of the University-Chaplain) and all the Beadles and Virger accompany him to the Place of Presentation. 'Tis usual for every Doctor and Batchelor in Physick, at the Time of their Presentation to their respective Degrees, to be thus attended to the Congregation-House by all the Doctors, Batchelors, and Students in Physick, then present in the University, together with the Beadle of their Faculty; and on this Account the Person presented gives each of them Gloves, according to a certain Rate among them, as three Pair to a Doctor, two to a Batchelor, and one to a Student in Physick.

But the Fellows of *New College* are especially oblig'd, all of them, upon taking a Degree, by their

their Founder's Statutes, to proceed in this solemn manner of a publick Presentation, for the Honour and Magnificence of the Society. When the Person or Persons to be presented come into the *Apodyterium* near the Congregation-House, they are each of them to subscribe the 39 *Articles* of Religion confirm'd at *London*, 1564. (having first read them himself, or heard them read by another, in the Presence of his Presenter) and also to the three Articles contained in the 36th Canon, being first publickly read there in the Presence of the Proctors. It is customary for such as are to be presented to a Doctor's Degree in the *Civil Law*, immediately after the aforesaid Subscription, to go from the *Apodyterium* to the *Civil Law School*, with the Professor, and their Deponents (vulgarly call'd *Scio's*) with the Beadle before them; and there they deposit a Purse of Money, consisting of Gold and Silver, above the Sum of 6 *l.* 13 *s.* 4 *d.* and then the Professor gives them an Oath, that they do not know the just Quantity of the whole Sum, and that they will not complain or make any Words about the Sum taken from thence by the Professor, and their *Scio's* or *Deponents*: This done, the Remainder is put up into the Purse again, and return'd into the Hands of the Persons to be presented; which Custom is stiled *Nemo scit*. Hereupon the Vice-Chancellor, Proctors, and Regent Masters, go into the Congregation-House, and taking their Places, the Presenters of each Faculty, according to the Dignity of the Faculty (on a Presentation to the same Degree in different Faculties) make their Presentation in a certain Form of Words; but if the Persons to be presented are all of the same Faculty, then the Presentation is according to the Seniority of the

Presenter, who leads his Man into the House by the Hand, with a Beadle before him, and reverently repeats the Form of Presentation. After the Form of Presentation is over, the Person presented goes up to the Proctor, and stands at the Right Hand of the House till all the Candidates are presented, and then the Senior Proctor attests their aforesaid Subscription in a Form of Words. Besides the Testimony which every Presenter gives of his Candidate in each Faculty, there are the Depositions of others of the same Faculty requir'd, who are of the same Degree with the Person presented, viz. For a Person presented to a Batchelor of Arts Degree, Nine Batchelors of Arts are requir'd to *depose* or *scio*; who have compleated their *Lent-Determinations*; these always *depose* or *scio* in the *Apodyterium* on their Knees before the Proctors, e'er the Vice-Chancellor and Proctors enter the House, the Vice-Chancellor giving them the same Oath as to other *Scio's*; and on their Depositions, that the Person is fit for his Degree, he is admitted thereunto, otherwise he is put by for a Year. For a Person presented to an Inceptorship in Arts, the Depositions of Nine Masters are also requir'd, to whose Oppositions the Person presented has submitted himself: For a Person presented to a Batchelor of *Civil Law's* Degree, Three Batchelors in the same Faculty; who if they have not been Inceptors in Arts, *depose* or *scio* in the *Apodyterium*, as Batchelors of Arts do; for Batchelors of *Civil Law*, unless they are Regents in Arts, cannot go into the Congregation-House to *scio* for any one, and much less to present any one. For a Person presented to a Batchelor of *Physick's* Degree, three of the same Faculty; and for want of them three Masters of Arts, being

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Students in *Physick* : For a Batchelor in *Divinity*, three Batchelors of the same Faculty : For an Inceptor in *Musick*, *Physick*, *Law* and *Divinity*, three Doctors in each of those Faculties ; and for want of such, then by the Permission of the Congregation, three Masters of Arts for an Inceptor in *Musick* ; and three Batchelors in each Faculty for an Inceptor in *Divinity*, *Law*, and *Physick*. All these *Scio* on their Knees also, and the Proctors receive their Depositions in a Schedule ; and then the Proctors severally leaving their Chairs to other Masters, fall down on their Knees and swear, that they have done faithfully in this Scrutiny ; and if, on the Proctor's Report to the Vice-Chancellor, the Number of *Scio*'s be just and compleat, the Candidate is admitted to his Degree ; otherwise he is put by for a Year. Both the Vice-Chancellor and Proctors are not to reveal these Depositions in any way whatsoever, under the Pain of 10 s. *toties quoties*. After these Depositions are ended, the Proctors do successively administer several Oaths unto the Persons presented, *viz.* For the Observance of the Statutes, Privileges and Customs of the University ; for the Preservation of the Peace by themselves and others, as much as in them lies ; and that they will not resume their solemn Lectures in any other University in *England*, than at *Cambridge*, &c. Then are they admitted to study in the publick Library, under certain Conditions and Limitations of doing no Damage to the Books, &c. and also admonished to procure a proper Habit within 15 Days, to appear not only at School-Exercises, but also at Processions, and other University Business. After the Junior Proctor has done with them, they apply themselves to the Senior, who reads over to them such a Portion of the Statutes as

concern the Degrees, to which they are severally presented, and then gives them the Oaths of *Allegiance* and *Supremacy*, with some others, *which are observed by conscientious Men*. When the Proctors have done their Duty, every one of the Persons presented fall on their Knees before the Vice-Chancellor, who interrogates them on Oath, whether they can expend *de proprio* 40 *l. per Ann.* for Term of Life out of the University; (which Sum as to Beneficed Ministers is reckon'd according to the Rate of their first Fruits in the King's *Liber Valorum*, and not according to the real and proper Value of the Thing rated) and if the Party presented answers that he cannot; then he shall be ask'd, whether he can *de proprio* expend 5 *s.* and if he answers, *he can*; then he shall only pay for Wine. After this the Vice-Chancellor admits them all to their respective Degrees in a solemn Form of Words respecting each Degree and Faculty; whereupon they immediately depart the Congregation-House, and put on the Habit proper to their Degrees; and then re-enter, and making their Reverence to the Vice-Chancellor and Proctors, they finally depart and go home; only the Batchelors of Arts go to the *Artists* Schools, accompany'd with their Dean and Beadle, where the Presenter or Dean mounts the Chair with his Cap on, propounds three Questions to each of them, and recites some Verses on each of these Questions; and after the Batchelors have read them also, he propounds an Argument on each of them, to which each Batchelor answers under this Form, *viz. Respondebit pro me Aristoteles proximâ Quadragesimâ*; and then they return again to the House with their Dean in their proper Habit, and reverently take Leave thereof.

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By antient Custom this University had a Power of Licensing Preachers throughout *England*, and was wont to execute this Power by the Congregation of Regents: But to prevent the Abuses thereof, it is decreed, That no Person shall supplicate hereafter for a Grace of this kind, unless he be a Master of *Arts*, a Batchelor of *Law*, or a Batchelor of *Divinity*, having each of them spent seven Years in the Study of *Divinity* in the University, and (at least) once publickly responded at *Divinity-Disputations*, either in the *Divinity-School*, or at the *Comitia*, and preach'd four laudable Sermons before the University, either in *St. Mary's* or *St. Peter's Church*, or in some College Chappel: And Graces for Licences to preach are propos'd as other Graces in the Congregation-House, under a certain Formulary; which Graces, if granted, shall be pronounced by the Proctor after the same manner as other Graces; and then Letters Testimonial shall be made thereof by the Decree and Authority of the Congregation, under the publick Seal of the University, too long to be here inserted.

Every Doctor of *Physick*, after his Admission thereunto, may lawfully practise in all kind of *Physick*; but no other is suffer'd to practise thus at *Oxford*, unless he be a Master of *Arts*, and has taken a Batchelor of *Physick's* Degree, and be admitted by the Congregation (according to Custom) to practise: Nor shall any one practise Chirurgery within the University, without the Chancellor or Vice-Chancellor's Licence first obtain'd; and if any one shall presume contrary hereunto, he shall not only be hinder'd from any further Degree, and lose the Privileges of the University; but also be punish'd as a Disturber of the Peace, if he does not desist
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on a Monition. A Student in Chirurgery is admitted to practise throughout *England*, if he has been honestly and skilfully exercent therein for seven Years, and has gone through two Operations in Anatomy, and performed three Cures (at the least) and be also approved of under the Hand-writing of the King's Professor in Physick, and of one Doctor in the same Faculty, or of any three Doctors of *Physick* residing within the University, after the same manner as Batchelors of *Physick* are approved of; and then his Grace, on Supplication, is granted, with a Condition, that he cures *gratis* four poor Persons (at least) when requir'd thereunto; and thereupon Letters Testimonial are made for him, as aforesaid.

Antiently the Election and Admission of all Apothecaries at *Oxford* was in the Chancellor's Power, and so (I conceive) it is at present, tho' the new Statutes make no mention thereof: But the Approbation, or rather Examination of them, is in the College of Physicians at *London*. Apothecaries are deem'd in Law to be *inter personas inhonoratas*, and are so called *ab Apotheca*, a Shop or Warehouse for laying up things. The Instrument for the Admission of Apothecaries ought to be read in the Congregation-House, and seal'd with the University Seal, after such Persons are admitted, and have sworn to the ensuing Articles, as one *David Styles*, an Apothecary, did in the Chancellorship of Archbishop *Warham*, before his Commissary, Dr. *Tho. Moscroff*, and the Proctors of the University, *Sim. Bale*, and *Tho. Byston*; viz. 'You swear, that you will always have in your Shop all Medicines, Species of Medicines, and Confections, which concern the Art and Mystery of an Apothecary, and are necessary

Reg. H. fol.
165. b. 166.
a. A.D. 1526.

' sary for the Health of Man. *Item*, That you
 ' be contented once a Year (at least) that cer-
 ' tain Physicians practising in the University
 ' should visit your Shop upon the Account of
 ' good and bad Medicines, in the Month of
 ' *November*, or at any other Time, if Occasion
 ' shall require it, to be adjudged of by the Vice-
 ' Chancellor, one of the Proctors and the Pra-
 ' ctising Physicians here : and these Searchers
 ' and Tryers of Medicines being of the Vice-
 ' Chancellor's and Proctors Appointment, shall
 ' have Power to destroy and throw away all bad
 ' and unprofitable Medicines and Druggs. *Item*,
 ' that you will sell all Things appertaining to
 ' your Trade at a low and reasonable Price, and
 ' as sold in other Places in *England*. *Item*,
 ' That you will not make up any *Compound Me-*
 ' dicines without the Presence and Advice of
 ' some Physician admitted to practise, who
 ' shall judge those *Simples* fit to be made up into
 ' *Compositions*. *Item*, That you will observe all
 ' these Things without Fraud or Deceit, &c.
 I have printed the Form of the Instrument in
 the *Appendix*, because I find it no where else
 published.

Reg. H. fol.
166. b.

After the Beadle has given Warning of a
 Convocation, all Doctors, Regent and Non-
 Regent Masters, are oblig'd to come to the
 Convocation-House, at the Hour appointed, in
 their proper Habits, and there to take their
 Places assign'd them. The Vice-Chancellor en-
 ters the House with the Beadles before him,
 and having placed himself declares the Cause of
 this Meeting ; and nothing is decreed or grant-
 ed in this Assembly, unto which there is not the
 Consent of the Vice-Chancellor, or both the
 Proctors, and the major Part of the Regent and
 Non-Regent Masters : But Elections are all
 made

made and determined by the major Part of all the Suffragants, according to ancient Custom, either by a private Scrutiny in Writing, or else publicly, by going on this and that side of the House, or otherwise by a publick Scrutiny in Writing, as the Nature of the Business requires. And the Business of this House is to make, abrogate, interpret and moderate, all Laws and Statutes made thereby, to grant Dispensations and Presentations to Benefices, to examine and pass Accounts, to demise Lands, to write Letters to Great Personages, to degrade Criminals, &c. But this House can neither abrogate nor interpret Statutes made and confirm'd by Royal Authority, without special License thereunto had from the Crown. Before the making of any Law, or the Explanation of any Statute is had, the Vice-Chancellor lays the same before the Heads of Houses at their *Hebdomadal* Meeting; and as soon as they can prepare and agree on the same in a Form of Words, the Proctors report it to the Congregation in the Terms agreed on by the Heads of Houses; and then in the following Convocation it is publicly read by the Register, in the same Form as it was propos'd to the Congregation; and when the Vice-Chancellor, Proctors, and the major Part of the Regents and Non-Regents have agreed on the Terms and Form thereof, it is publicly read by the Register in the said Terms, and then put to the Vote of the Convocation, whether it shall pass or not; but it has no Force until 30 Days after Publication thereof.

There are many Things with which the Convocation may dispense; and many with which it cannot dispense: And first, if the Local Statutes of any College be repugnant in any Respect to the Statutes of the University, the Members
of

of such College are *ipso jure* dispensed with the Observation of such Statutes of the University, without any further Supplication or Petition. 2dly, If there be any Students, who have been formerly of this University, and having applied themselves to the Study of *Divinity* for 15 or 16 Years, to be reckon'd from the Time of their Regency, at 30 Miles Distance from the University, and are of good Learning and Integrity, they may take their further Degrees by *Accumulation*, after doing of Exercise for them. 3dly. The Convocation may give Degrees to Bishops and Noblemen, (*Honoris gratia*) without Performance of Exercise for them. 4thly, The Convocation may approve of Deputies and Substitutes for the *ordinary* Lectures and Disputations. And lastly, it may dispense with all Matters which the Statutes of the University do allow of, and are not repugnant to the Discipline thereof, the Cause of such Dispensation being first approved of by the Chancellor, and then by the Vice-Chancellor, Proctors, and Heads of Houses, at the *Hebdomadal* Meeting, or by the greater Part of them.

All Elections, except for Members of Parliament, are made by a private Scrutiny in Writing; wherein the Vice-Chan. is President, and the two Proctors are Scrutators; and before they proceed to an Election for any Lecturer, Officer or Servant, the Candidate swears, that he has neither directly nor indirectly, by himself or any other, made any Contract with any one, or given or promis'd to give any thing for the same; and then the Vice-Chancellor swears the Proctors to make a faithful Scrutiny, that they will not induce any one to chuse or name contrary to his own Inclination, and that they will pronounce the Person for elected, on whom a Major
Part

Part of the Voices shall happen to fall. Then the Electors take an Oath, that they will only vote once in this Scrutiny, and that they will name none but whom they know or firmly believe to be duly qualified for the Office, Benefice, &c. sued for; and that they will do this without any Reward or Expectation thereof. None ought to vote in an Election, until he has taken the said Oath, under Pain of losing his Vote, and being expelled the Convocation and Congregation-House. After the Vice-Chancellor and Proctors have voted, all Doctors and Masters are admitted to Poll according to their Seniority, if possible, the Proctors sitting on each side of the Vice-Chancellor, and receiving the Poll, who are not to depart before the End of the Scrutiny, unless it be on urgent Occasions, in which Case the Schedule is to be left with the Vice-Chancellor, that the Vice-Chancellor or some Person deputed by him, may supply the Proctor's Absence. After they have proceeded for some time, and Persons do not come to vote, the superior Beadle of Arts makes three Proclamations at the End of each Quarter of an Hour, and then the Poll is cast up by the Proctors, and after they have burnt the same, the Election is pronounc'd as aforesaid. If there be two or more having an equal Number of Voices, the senior of them is elected, if they are Graduates, and if not, then the Chancellor or Vice-Chancellor determines the Election; and the Person elected is immediately admitted, if he be present. In every Election the Act of the 3rd of *Eliz.* is read, before the Scrutiny begins; and the Vice-Chancellor, the Day before, gives Notice thereof to every Head of a House, that he may acquaint his Members therewith.

For the better Dispatch of Business, the Convocation and Congregation do often chuse Delegates, being a select Number of Men, who have sometimes Power to act without any Relation or Report to the Houses, and sometimes with a Relation to the Houses for their Approbation; and these Delegates are certain Doctors, and Regent and Non-Regent Masters, who swear to under-go this Office according to the Direction of the Statutes: And whatsoever all or the greater Part of these Delegates do determine, in Matters delegated *cum nuda relatione*, shall be immediately ratified; but in Matters delegated *cum relatione*, it is otherwise. All Delegates transacting out of the University are upon the publick Expence.

These Delegates are divided into *stated* and *non-stated* Delegates, and are named by the Proctors.

Both in the Congregation and Convocation, all Speeches are made in *Latin*, unless the Chancellor gives Leave for them to be spoken in *English*, upon extraordinary Occasions; wherein all opprobrious and indecent Language is to be avoided, under Pain of being excluded the House for that Day, or longer, if the major Part of the House shall think fit; and be moreover obnoxious to other statutable Punishments, concerning contumelious Language.

For the Peace and better Government of the University, there is every *Monday* in the Week, throughout the whole Year, as well in the Vacation as Term-Time, an Assembly of the Vice-Chancellor, Proctors, and Heads of all Colleges and Halls, unless it be on Holidays, and when the Vice-Chancellor shall please to intermit the same. These Persons meet at one a Clock in the Afternoon, at a certain Place, to consult
about

about the Premises, and also about the Defence of our Liberties; and if any Person present in the University shall frequently absent himself from this Meeting, the Vice-Chancellor ought to make a Report of him to the Chancellor, as a Person not in the Interest of the University.

All Scholars, of what Condition soever, are oblig'd to be in their Colleges and Halls by nine of the Clock at Night, immediately after the Tolling of the great Bell at *Christ-Church*; and if any Person shall be found in the Streets, or in any House in the Town, unless on his lawful and necessary Occasions, he is mulcted in the Sum of 40 s. being a Graduate; which Sum the Vice-Chancellor demands, if he be a Master of Arts or a Batchelor of Law; otherwise the Proctors may do it, and imprison him for Contumacy, Suspicion of Flight, or any rebellious Behaviour: If the Person offending be an Under-Graduate, he is left to the discretionary Punishment of the Vice-Chancellor.

All Plays and Gaming (especially for Money) are prohibited, under the Pain of 6 s. 8 d. if a Graduate, and if not, then he is punish'd according to the Vice-Chancellor's Pleasure, besides Restitution of the Money so won; and 20 Shillings inflicted on all Gaming-houses, and Imprisonment till they find Sureties not to receive any Scholars on the like Account. Scholars are also forbid to carry Guns, Bows, &c. to keep Dogs, Ferrets, Nets, &c. under the Pain of 6 s. 8 d. *toties quoties*, and to forfeit and lose the same. Rope-Dancers, Stage-Players and Sword-fighters, are also prohibited the University, unless they have the Vice-Chancellor's Leave to come, under Pain of Imprisonment; and all Graduate Scholars attending them are punished 6 s. 8 d. and Under-Graduates are corrected as aforesaid. The

The Habits at *Oxford* are all black, except the Sons of Noblemen having Voices in the House of Lords, who may wear colour'd Gowns of any kind, and how rich soever; and on certain Days, on some Occasions, all Doctors here are honour'd with Scarlet Robes, which antiently were only allow'd to Kings and Emperors. The Scarlet-Days are *Circumcision* or *New-Years* Day, *Epiphany* or *Twelfth-Day*, *Purification* or *Candlemas-Day*, *Annunciation* or *Lady-Day*, when the Sermon is at *New-College*, *Easter-Day*, *Ascension* or *Holy Thursday*, the 29th of *May*, *Whitfunday*, *Trinity-Sunday*, when the Sermon is again at *New-College*; *Friday*, *Saturday*, *Sunday*, and *Tuesday-Morning*, in *Act* Time, at Sermon and Congregation; *All Saints* Day, the 5th of *November*, *Christmas-Day*, and all publick Thanksgivings. The Habit-Days are, the Day the Judges come to Town, when the Vice-Chancellor, Doctors and Proctors, assemble at *St. Mary's*, and from thence go to wait on the Judges in their Formalities; at all *Latin* Sermons, Morning Sermons in *Term-time*, and at all Sermons at *St. Peter's* in *Lent*; on Congregation Days, and on *Scholastica-Day*; and the Day after *Michaelmas*, when the Mayor is sworn in *St. Mary's Church* in the Morning, by the senior Proctor. All Scholars whatsoever, in *Term-Time*, ought to come to Church in their proper Habits.

C H A P. II.

Of the Chancellor of the University of Oxford, his Election, Power, Office, &c. with the Nomination of the Lord High Steward thereof made by the said Chancellor, as also of his Commissary or Vice-Chancellor, &c.

OVER the University of Oxford, next under the Crowned Head, is placed a Magistrate of high Honour, Power and Dignity, called the *Chancellor*, who is commonly one of the Prime Nobility or highest Prelates, nearest in Favour with the Sovereign Prince, and elected by the Students themselves in Convocation, to continue during Life; whose Office it is to take care of the Government of the whole University, to maintain its Liberties and Privileges, to call Assemblies, to hear and determine Controversies by calling of Courts, and to punish Delinquents, as is and shall be more particularly noted elsewhere. The *Chancellors* of the University were antiently stiled *Rectors* and *Masters* of *Scholars*, and also *Rectors* and *Masters* of *Schools*, as may be seen from a Catalogue of them in the Years 1211, and 1294. The Word *Chancellor* was introduced in the Time of *Theodosius*, *Arcadius*, and *Honorius*; and was then a private Judicial Officer, employ'd in Writing and Recording such Judicial Edicts as related to their Office; and they doing this Office in a Place inclosed with Lattices, in *Latin* called *Cancelli* (next unto the Consistory) thence were stiled *Cancellarii*, in *English*, *Chancellors*. *Du-*
rantus,

rantus, de ritibus Ecclesie, derives the Etymology of this Word from that of *Cancri*, tho' very idly.

The Regent and Non-Regent Masters formerly elected their Chancellor, and presented him to the Bishop of *Lincoln* as Diocesan, for his Confirmation of him: But about the latter End of *Edward* the 3^d's Reign, the Convocation of Regents and Non-Regents had the entire Power of this Nomination and Confirmation devolved on them. This Election was then Biennial, and sometimes Annual, which continued till the Time that *John Russel*, Bishop of *Lincoln*, was chosen for Life. And this Office was heretofore administered by some Person usually commorant in the University during the Time of his Office, viz. either by a Master of Arts in some College, Inn or Hall, or else by a Doctor of some Faculty, or lastly, by a Monk or Fryar of some Convent: Afterwards this Office was executed by Bishops, and at length conferr'd on Laymen, the first of whom was Sir *John Mason*, Knight. Not only the Kings of *England*, but also Popes, Bishops, &c. have granted very large and ample Privileges and Immunities to this Supream Magistrate, as every where appears in this Book; so that our Chancellors are respected by all Persons with the greatest Honour, as placed in the highest Degree of Dignity in the University, and are superior to the Mayor of the City, even sitting in Court. The Chancellor had formerly sometimes more and sometimes fewer Gownsmen for his Assistants, tho' present himself in the University (as Occasion required) whose Aid he made use of in adjudging Causes, and in dispatch of other Matters belonging to his Province, who were for the most part antiently

called his *Vicegerents*, sometimes *Commissaries*; and this last Title obtained till the Stile of *Vice-Chancellor* prevailed: And the *Chancellor*, or in his Absence the *Vice-Chancellor*, has the Designation of a Judge, or an Assessor, who with the Chancellor make the same Tribunal, as a Vicar General of a Bishop is in Law deemed to do: and until of late, either the Chancellor or his *Vice-Chancellor* ever sat in Court with his Assessor; and it is a Question, whether Judicial Acts be valid without the Chancellor or *Vice-Chancellor's* Presence in Court; but this is a Doubt which I had rather wave than dwell on here, because Modern Practice is against it, &c. The Assessors Jurisdiction is partly *Ordinary*, and partly *Delegated*; for as he cannot be appealed from to the Chancellor, so he cannot delegate his Power to another, *i. e.* he cannot delegate Acts of Jurisdiction, but only Acts of mere Execution.

All Colleges, incorporated into an University, do enjoy the Privileges of the Chancellor's Court, (as elsewhere said) and are therefore subject to the Chancellor in all Causes touching his Jurisdiction; and they are said to be incorporated, when they are admitted into the Bosom of the University, according to the Observation of those Solemnities by the Statutes and Customs thereunto requisite.

That this high Officer might not want due Honour, there are certain publick Servants, called *Beadles* (being six in Number as formerly) with a *Virger*, appointed to wait on him and his Vicegerent, in the Condition of Servants, wheresoever they please to walk within the Precincts of the University, and especially to every solemn Assembly. These *Beadles* are to walk before him and his Deputy with Silver Staffs

Staffs in their Right Hand erected; and are of great Antiquity, even before the Memory of our extant Registers, mention being made of them long before *Henry* the 3d's Reign, but of their Number then *non constat*.

During the Vacancy of the Chancellorship, this Office was formerly executed by the Senior *Theologist* or *Divine* then in the University, who was from thence called *Cancellarius natus*, or *Chancellor born*; and he administered Oaths in the University Court, presided in the Choice of a Chancellor, affix'd the publick Seals to all Deeds and Instruments, had the Management of the University Suits, and was also vested with the Probates of last Wills and Testaments, and the Granting of Letters of Administration touching the Goods of privileged Persons: And this Right and Power he enjoy'd until *Edward* the 6th's Reign, when his Authority began to decline and change.

Altho' the Students of *Cambridge* deduce a Catalogue of their Chancellors from *St. Amphibalus* the Martyr, affirming him to preside over their Schools in the Year 289, as inserted in their Annals; and that he bore this Office in those early Days with *Mauritius* in *Constantine's* Time, *Kynot* in the Reign of our *British* King *Arthur*, *Edbert* in the Days of King *Cedwall*, and *Almerick* in the Reign of *Cadwallader*, with many others, according to the Fables and Legends of *Nic. Cantelupe*: yet if we will credit uncertain Conjectures, we might produce *Rectors* of the University of *Oxford* perhaps coeval with those of *Cambridge*; but 'tis sufficient for me to go no higher than our own Registers and Historians: Therefore omitting *St. Germain*, *Gildas*, *Melkin*, *Nennius*, *Kentigern*, and others, living under the Reigns of the *British* and *Saxon* Kings;

(and if we may believe *Camden's* Quotation of an excellent Copy of *Affer Menevensis*, these not only studied at *Oxford*, but also made Statutes and Ordinances for the Government of the Students here) I shall begin the ensuing Catalogue of Chancellors with *Grymbald*, whom none can doubt of being Chancellor of this University.

The next great Officer or Magistrate of the University is the *Lord High Steward*, who is named by the *Chancellor*, and by his Letters Patents recommended to the University in Convocation assembled for their Approbation. His Office is also during *Life*; and, by Virtue of it, he is to assist the *Chancellor*, *Vice-Chancellor*, and *Proctors* (upon their request) in the Execution of their respective Duties, to defend the Rights, Customs, Liberties and Franchises of the University, particularly as they regard the Office of a *Steward*: He is also to hear and determine Capital Causes according to the Laws of the Land, and the Privileges of the University, when requir'd by the *Chancellor*, wherever a Scholar or privileged Person is the Party offending: And lastly, his Office is to hold and keep the University Court-Leet, at the Appointment of the *Chancellor*, or *Vice-Chancellor* (and not otherwise) either by himself, or his *Under-Steward*, in the Name of the whole University; and on the Account of this Office, the *High Steward* receives the yearly Fee of five Pounds from the University, after he has taken an Oath proper to the Duty of his Place and Office; which was first instituted by a Charter from King *Henry the Fourth*, and has been filled with many great and good Men, eminent for their Wisdom and Love of Letters; but by none so much to the Honour and Advantage of the

the University, as when the Lord *Ellesmere* supply'd this Office, who had Learning and Religion as much at Heart, as he had the Good and Laws of his Native Country; and truly, in the Knowledge and Preservation of them, he was never outdone by any of his Predecessors; and, by his constant Adherence to Truth, Equity, and an upright Conscience, he resolv'd in himself to set a noble Pattern for the Imitation of all such Persons who should succeed him in the Office of *Lord High Chancellor of England*, or in the Character of an able and faithful Minister of State.

As to the *Vice-Chancellor*, he is yearly nominated by the *Chancellor* to be elected in Convocation, and is always the Head of some College, and in Holy Orders. His Duty is, in the *Chancellor's* Absence, to do almost whatever the *Chancellor* might do, if he were present: He Licences all Books printed at the University-Press (now called the *Clarendon Printing-House*:) And also gives Licences to Taverns, Ale-houses, Coachmen, Carriers, &c. and receives the Rents due to the University, unless otherwise specially appointed to be received: Moreover, he takes Care that Sermons, Lectures, Disputations, and other Exercises be performed; that Hereticks, Panders, Bawds and Whores be expelled the University, and all converse with Students; that the Proctors, and other Officers, with the publick Servants of the University, do their Duty; and that Courts be duly summon'd, and Law-Suits determin'd without delay; and (in a Word) is to govern the University according to her Laws, Customs, Privileges and Statutes, and not at his own unruly Will and Pleasure: And therefore, it well behoves the *Chancellor's* Wisdom, Honour and

Justice, to name hereunto a Person of sober Discretion and Understanding, of Religion and Learning, and of an exemplary Life and Conversation; and finally, a Person of a tried Fidelity in Point of Trust, whom neither Avarice, nor a vain and unjust Profusion can prevail on to become a Knave in his Office; which, at his entrance thereinto, he swears to execute honestly and faithfully, according to the Laws, Statutes, and Customs of the University. And then the *Vice-Chancellor* chuses four *Deputies*, or *Pro-Vice-Chancellors* out of the Heads of Colleges for the Exercise of his Power in Case of necessary Absence; for the Vice-Chancellor is oblig'd to very strict Residence, unless on very urgent Occasions of Absence, either publick or private. If any Person be suspected of *Herefy* or *Schism*, the *Vice-Chancellor* may, at the Hebdomadal Meeting of the Heads of Houses, convene the Person before him, and if the Person be found guilty, in the Judgment of himself, and the Houses being his Assistants herein, he may mulct him at Pleasure for the first Offence; and if the Offender shall continue obstinately in his Error, and be again brought before the *Vice-Chancellor* on this account, besides an arbitrary Mulct, he shall be obliged to retract and ask Pardon for the same on his bended Knees, publickly in the Convocation-House; and if he shall refuse so to do, or be again convict of the same, he shall be banish'd the University.

The *Proctors* are two Masters of Arts, yearly chosen out of the several Colleges by turns, according to a Cycle beginning *anno* 1629. and ending 1720. upon the Institution of the Statutes given by King *Charles* the First for the Choice of *Proctors*, in respect of the Time and Place therein prescribed. After the Election of

of these Proctors, which is now made by the common Suffrage of all Doctors and Masters of Arts in Colleges, they are presented to the *Vice-Chancellor* by the Heads of their respective Colleges, on *Wednesday* after the first *Sunday* in *Lent*; and then, on *Wednesday* after the *Easter Week*, they are attended to the Convocation-House by all the Members of their Colleges; at which Time and Place, the *Proctors* of the foregoing Year lay down the Badges of their Office, and the *Senior* Proctor of the Year past rising from his Chair, makes a handsome Speech concerning the Occurrences of his Year; and then the *Vice-Chancellor*, on a formal Presentation of the new Proctors made to him by the respective Heads of their Colleges, admits them in a solemn Manner, and gives them the Oaths of Allegiance and Supremacy, and the Proctor's Oath; then he admits them to their Offices, by delivering to them the Badges thereof, *viz.* the Books and Keys, under a certain Form of Words. As soon as the Proctors have accepted of their Offices, they take their Chairs, and name four Masters, of four Years standing from their Regency, to be their Deputies, who, if present, immediately take the Proctor's Oath; and, if not, they are sworn in the next Congregation, whose Office it is in Sermon time to walk the Streets, and visit publick Houses, &c. The Office of a Proctor is to intend the Business of the University, to inspect the Accounts, and to name Delegates of Appeals, to be Assessors to the Chancellor, or his Commissary, in all University Matters, and to grant Inhibitions in Causes of Appeals, &c.

Next to the Proctors, is the publick Orator; whose Province it is to write publick Letters

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according to the Orders of the Convocation or Congregation; and, at the Reception of any Prince, or great Person, who comes to see the University, to make Speeches and proper Harangues, &c. This Officer is chosen by the Convocation, and must be either a Master of Arts, or Batchelor of Law, but not of the same House with the last Person elected: He is obliged to a perpetual Residence in the University, unless in Case of Sicknes, or urgent Necessity, with which the Vice-Chancellor may dispense for a time; and if Sicknes, or other Avocations shall keep him absent above a Quarter of a Year *continuis vel interpolatis vicibus*, the University may proceed to the Election of a new Orator; and in the mean while, in Case of Absence, his Office may be supply'd by a Deputy, to be substituted by the Vice-Chancellor, and not himself.

There were anciently, as at present, certain Regent Masters chosen by the Congregation, in pursuance of Royal Grants as well as Prescription, and furnish'd with a Power of visiting all the Streets, and of seeing that all the Ways leading to the City were duly mended and repair'd; and also, that all Nuisances, as Dirt, Stones, Timber, &c. were remov'd: And if any Townsman neglected or refus'd to obey their Commands, being thereunto requir'd, (for every Man was bound to cleanse and mend the Ways before his own House or Lands;) these Masters were to summon him into the Chancellor's Court, and the Matter it self, whether Timber or Stones, &c. was forfeited to the University by way of Mulct. And this Office every one bore during the Year of his necessary Regency, and was not only called a *Surveyor* of the Streets, but oftentimes a Keeper of the

the Peace. These Masters, in the Year 1280. claim'd a Kind of immemorial Authority in Ecclesiasticals, notwithstanding the Bishop of *Lincoln's* Opposition thereunto; and to the Inquisitions made by them touching Scholars, &c. They were indistinctly wont by Clerk and Parish-Priests, as well as by Lay-men, to make these Inquisitions for the Discovery of such Excesses, &c. And the Arch-Deacon of *Oxford*, a Parish-Priest himself, gave Occasion hereunto. These Masters are now nam'd by the Proctors in Congregation, in the Beginning of *Michaelmas*-Term, and are ascertain'd in Point of Number, and have their Streets assign'd them for their particular Care; but have lost a great deal of their Authority by the new Statutes, yet they have sufficient to keep the Peace, and to take Cognizance of irregular Habits in Scholars, &c. Our Civil Law-Books call these Persons *Magistri immunditie*, who are also to take Care of the Pavement and Pitching of the Streets, and that the Passage thereof be kept open and free within the Precincts of the University.

For the better Care and Government of the Market, among other Officers, there are two stiled Clerks of the Market, who are chose out of the Masters of Art, Batchelors of Divinity, Law, or Physick; the one by the Chancellor, and the other by the Vice-Chancellor, every Year, in the first Congregation after *Michaelmas*. These Clerks are to take Care of the Assize of Bread, Beer and Wine, of Weights and Measures, the Prices and Qualities of Victuals, and other Provisions. For which End they are often oblig'd to weigh the Bread, and once a Year (at least) to gauge all Brewers Vessels, and to break or burn the same, if wanting of the statute
table

table Measure ; besides an arbitrary Mulct to be inflicted on the Brewer by the Vice-Chancellor. Their Business is also to take Care of Hay, and all Kind of Horse-Provender, of the just Measure of Faggots and Coals ; and if defective, to distribute them among the Poor : And lastly, to see that all things belonging to the Market be expos'd to sale therein ; to amerce Regrators, Forestallers, &c. or to denounce them to the Vice-Chancellor for that End : And if these Clerks shall be wanting in their Duty, on a Complaint of them to the Vice-Chancellor, they be each of them mulct'd in the Sum of ten Pounds for their Neglect on the Score of Beer-Vessels, and ten Shillings, *toties quoties*, in respect of other Matters relating to their Office. They are to have in their Custody a written Inventory of all Weights and Measures, Seals and other Instruments belonging to their Office, and kept as Standards in the University-Archives : And at their entrance on their Office, besides the Oaths of *Allegiance* and *Supremacy*, they take an Oath to the University, and another for the faithful Discharge of their Duty, as Clerks of the Market, according to the Laws of the Realm, and the Statutes of the University, without Favour or Affection, Hatred or Malice, &c.

The Citizens of *Oxford* (for what Reason I know not) withdrawing the yearly Payment of the Fee-Farm Rent, from King *Edward* the First ; that Prince, in the 13th or 18th Year of his Reign, thereupon seiz'd the Clerkship of the Market to the Use of the *Exchequer*, and let out the same sometimes to the Constable of *Oxford* Castle, and sometimes to others, as he cou'd make most Gain thereby : Wherefore King *Edward* the Second, by Vertue of the
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Ch. 2. of the University of OXFORD.

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aforefaid Seizure and Royal Claim (from whence this Clerkship never return'd again to the Citizens) by his Writ of 28th of *May*, in the 12th Year of his Reign, dated from *York*, commanded the Mayor and Bailiff of *Oxford*, that, for the avoiding of all Suits and Disturbances hereafter, the Tradesmen of the Town should be divided by Limits and Bounds, from all Strangers and Foreigners, in the Standing of their Goods; and likewise the City Regrators and Forefallers, from those of the Country, according to a Place assign'd by the Consent and Approbation of the University Chancellor, wherein Foreigners and Extraneous Persons should expose their Goods and Wares to sale separately from the Townsmen. And by these Letters Patents it was likewise order'd, that if the Mayor and Bailiffs, upon mature Deliberation, did not conform hereunto, the University might do the same exclusive of their Advice or Authority, as it happen'd afterwards: For about the Year 1319. the ordering of the Market was renew'd (as it had been in ancient Times) and was as follows, viz. That all Sellers of Straw and Hay shall stand with their Teams and Waggons in the Middle of the *High-Street*, between *East-Gate* and *All-Hallows-Church*. 2dly, That all Sellers of Faggots, and other the like Fuel, in Carts and Waggons, shall stand between *Schydiard* and a Tenement formerly of *John Maidstons*, i. e. between the *Lane* leading from *St. Mary's-Church* to *Oriel-College*, and the farthest House but two of the same Parish, on the *South* side of *High-Street*. 3dly, That the Timber-Merchants shall stand between a Tenement called *St. Thomas's-Hall* and *St. Edward's-Lane*, i. e. between a Tenement lately called the *Swan-Inn*, the utmost House but one of
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St. Mary's Parish, on the South-side of *High-Street*, and a Street leading from *All-Hallows Church* to *Peckwater-Inn*. 4thly, That the Sellers of Hogs and Swine shall stand between *St. Maries* and *All-Hallows Church*, on the North-side of *High-Street*. 5thly, That Beer and Ale-Drapers shall stand between *St. Edward's Lane*, and the *Chequer-Inn*. 6thly, That the Sellers of Roots and Coals shall stand between *St. Edward's Lane*, on the North-side of *High-Street*, opposite to the Ale-Drapers, and a Tenement formerly belonging to *John de Hampton*, which *Richard Woodhay* held for Life. 7thly, That the Sellers of Gloves and Whytawyers, i. e. the Furbishers and Botchers shall stand between *All-Hallows Church*, and a House then belonging to *John le Goldsmith*, held of *Great University-Hall*, on the North-side of *High-Street*; which House was next but one to the *Mitre-Inn*. 8thly, That the Furriers, Linen and Woollen-Drapers shall stand between *le Goldsmith's House*, and the two-faced Pump. 9thly, The Bakers shall stand between *Cairfaix Conduit* and *North-Gate*. 10thly, That the Tanners shall stand between *Cairfaix* and *Somners-Inn*. 11thly, That the Sellers of Butter, Cheese, Milk, Eggs, Beans, Pease, shall stand from the Corner of *Cairfaix* towards the *Old Bailly*. 12thly, That the Sellers of Scullery-Ware shall stand between the *Flower de Lys*, and the *Red Lyon-Inn*. 13thly, That the Corn-Market shall be between *Mauger-Hall*, i. e. the *Cross-Inn* and *North-Gate*: Of the Butchers no mention is made, tho' there be of many others too long to enumerate here. And thus the Market continued till the Time of the great Conflict in *Edward the Third's* Reign, who took away the same from the Citizens, and granted the

the Right of the Market in a particular Manner to the Chancellor of the University; who has since changed many of these Standings for the better Convenience of the University and City both.

Great Complaints were made to the King by the Chancellor and Proctors of the University, touching the unjust and excessive Prices of Provisions in the Market at *Oxford*; whereby many of the poorer Scholars almost living on Charity, were oblig'd to leave their Studies here: Whereupon the King, by his Writ transmitted to the said Chancellor, commanded him to publish the Prices of Provisions, as appointed by him and his Parliament, which was ordain'd in this Manner, *viz.* That the best living Ox, being not fatted on Grain, should be hereafter sold for 16 Shillings, and no more; and if fatted on Grain, for 24 Shillings at the utmost; and the best living Cow or Heifer being fat, for 12 Shillings. A Sheep of two Years old, for 40 Pence, if fat, and with a great deal of Wool; but if shorn, and not very fat, for 20 Pence; and a Sheep of less Size, for 14 Pence. A Goose, for 2 Pence farthing; and a fat Capon, for 2 Pence; a fat Hen, for a Penny; 24 Eggs, for a Penny; two Pullets or Cockerels, for a Penny; four Pidgeons, for a Penny: And these Prices, with some Alterations, were order'd to be observ'd in other Places; from hence it is, that these things are recorded by many Historians.

What we call the *Archives* is a Place where Charters, Evidences, and ancient Records are kept for publick Use and Service: And thus are the University *Archives* a Repository of publick Acts and Instruments, touching the Privileges, Customs, Liberties, and good Government thereof. The Place assign'd for these Evidences

vidences is the upper Room over the Eastern Gate of the publick Schools, opposite to the Entrance into *Hart-Hall*; and the Keeper thereof is a publick Officer belonging to the University, and chosen by the Convocation; whose Duty it is to collect and lay together therein, all Muniments and Charters, as well authentick as others, which do any wise concern the Estates, Possessions, and common Rights and Privileges of the University, or the Endowments of publick Lectures, and all other Records and Registers relating to the University; and also to dispose and digest them into proper Order, that they may easily be found and come at, as Need shall require, according to the Proviso in the Statute *de Chartis ac Munimentis, &c.* And being thus reduced into Order, he is obliged to be so well vers'd in the same, that he may be always in a Readiness to assist the Chancellor, and all other the Magistrates of the University, in case of Exigency, on a Defence of our Rights and Privileges. All Scholars, Graduates and Non-Graduates, enjoying the Privileges of the University, (except Servitors and poor Scholars) do yearly contribute one Shilling for the keeping thereof; and out of this Collection of Money, the Vice-Chancellor ought yearly to pay the Sum of 40 *l.* (at least) to the Keeper thereof by way of Salary; which Keeper shall continue in this Office so long as he shall behave himself well and faithfully therein, according to the Judgment and Opinion of the Convocation, and no longer. At his Admission thereinto he swears, safely to keep all Charters, Muniments, Registers, and all other Evidences of his Trust, belonging to the University, and not to reveal the Secrets of the same: But this Oath does not oblige him to keep them from the Inspection of
such

such Persons as have an Interest therein, and if he shall refuse the sight of them upon a Request made to him for that End, he may be complain'd of to the Convocation, or to the Vice-Chancellor and Proctors, and they shall judge thereof, and according to their Discretion make an Order : and if he shall then refuse the same, he may be strip'd of his Office by the Convocation. It has been a Question, whether he ought to have any Fee for his Search and Attendance ; but as there is none prescribed, I conceive not ; Yet it will not be sufficient for him to say, in case of a Refusal (as aforesaid) that the Statute of his Office does not command him to search and attend in a private Case ; for that would have been needless, the very Nature of the Office bespeaks the same ; and altho' the present Officer be a Head of a House, yet he ought to vouchsafe us poor and humble Fellows, a Condescension of his Presence, when request-ed thereunto, in the Execution of his Office : But the Difficulties, which some honest Gentlemen of *All-Souls* College, and elsewhere, have lately met with in procuring a Sight of the Archives in their own necessary Defence, ought to be a standing Caution to the Convocation for ever, how they make Choice of a great Man for this Office, unless he be super-eminently qualified for the same.

C H A P. III.

Of the Ministers and Servants of the University.

THE Register of the University or Convocation, is a publick Servant, and is chosen by Scrutiny after the same manner in Convocation as other Officers of the University are; and ought to be a Master of Arts, or a Bachelor of Law, and a publick Notary at the time of his Election; who at the said time ought on his Admission to swear to the Observance of the Statutes, Privileges, Liberties, and Customs of the University, and also to the faithful Discharge of his Office: Which is, to be present at all Convocations, Congregations and lesser Assemblies in the University, either by himself or his Deputy, from the Beginning to the End thereof, clad in a Habit proper to his Degree; to register within a Week's Time all Acts, as Dispensations, Graces, Elections, Licences, Decrees, Statutes, &c. to reduce into Writing all Letters sent or received by the University, all Leases, Indentures, Grants, and other Matters of greater Consequence, which pass the publick Seal of the University, or that of the Chancellor's Office: and lastly, to register all Acts in judicial Causes ventilated before the Delegates of Appeal, and to keep these Registers, and to collect and receive the University Rents, and to enrol an Account of the Rents receiv'd, under the Pain of 13 s. 4 d. for every Offence, except that of 40 s. for not registering of Decrees according to Statute.

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According to the Charters, Privileges, and Customs of the University, there are six publick Servants, called *Beadles*, *Cryers*, and *Foot-Messengers*; three of the superior Order are stiled *Esquire Beadles*, and the others named *Yeomen Beadles*; and although the *Esquire Beadles* may think themselves Great Men from their vulgar Appellation, yet their Employment is as mean and servile as the Cook or Butler of a College: They are constantly to reside in the University, and not to go out of Town without the Vice-Chancellor's and Proctors Leave; and their Duty is to wait on the Chancellor, or his Vice-Chancellor, upon all Occasions, (especially on his going out to publick Acts and Exercises) and to divide into Circuits the whole University, and therein severally to execute their Employments; as to denounce and proclaim the Chancellor's or Vice-Chancellor's Mandates and Precepts; and at either of their Commands to arrest and carry Persons to Goal, under Pain of losing their Places on Refusal thereof, or if they suffer a Person once arrested to make his Escape. They are also to execute all Summons and Citations, to call Courts and University-Leets, and to warn Convocations, to wait on all publick Professors to the Schools, and to have them home again; to report the Names of Scholars absent from Lectures to the Vice-Chancellor, and at the Vice-Chancellor's, Proctors, or Professor's Pleasures, to call over the Names of the proper Auditors in each School, and at the End of every Month after the Quarter, to demand all Mulcts from the Heads of Houses for the Mis-feazances of their Members herein; and if they neglect frequenting the Schools at the Time of Lectures, the Proctors or each Lecturer may mulct them in the

Summ of 12 *d.* to be divided between the Proctors and Lecturer; and if they neglect to demand the Mulcts of absent Scholars, or delay to return their Names, refusing to pay these Mulcts, they are at the Vice-Chancellor's Discretion. The Beadle's Duty is moreover to be present at all Disputations, and to carry to the Schools and bring back the Moderators and Respondents from Disputations, and to do many other Acts of Servitude and low Employment, too numerous to be here remembred, tho' they may strutt and look big under the Weight of a Silver Staff. On the Vacancy of any of these Employments, the Vice-Chancellor summons a Convocation, to proceed to the Choice of a new Beadle; unto whom an Oath is given in *Latin*, if he understands it, and if not, then in the *English* Tongue; which is a plain Declaration, that the University, at the Time of making their new Statutes, thought the Business beneath the Education of a Fellow of any College, unless it should be suppos'd, (which can hardly be imagin'd) that in some Colleges there should be found Persons so illiterate and unlearned, as not to understand plain *Latin*. These Beadles enjoy their Places during Life, unless they deserve Amotion for some great Offence: Yet in the first Congregation in *Michaelmas*-Term, they solemnly lay down their Staffs, by way of Submission, at the Vice-Chancellor's and Proctors Feet, and depart the House, until the Vice-Chancellor has put the Question touching their Behaviour in the fore-going Year; and if no Objection be made thereunto and proved, they resume them again: And if the Fault be small, an Admonition with a Suspension and Loss of Salary for a Time is sufficient; but if of a heinous Nature, then Deprivation of Place ensues.

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Altho' the University anciently made Use of four Stationers, from the Condition of those Times, and the Office it self; yet at present, one Stationer or Virger is sufficient, who is a Servant chosen after the same manner as the Beadles, and other publick Servants of the University; and his Duty is, at all publick and solemn Acts and Assemblies of the University, to carry a Silver Rod, as the Badge of his Office, before the Vice-Chancellor, to attend the Grand Compounders to Church, and to the Schools, and to fetch them back again; and with one of the Beadles, to make Inventories of the personal Estates of all Scholars and Priviledged Persons of the Chancellor's Jurisdiction, and dying within the Precincts thereof, or any ways forfeiting the same; and having made Schedules and Inventories thereof, to render a just and faithful Account.

Besides the publick Servants already mention'd, there are others, as the Clerk of the University, whose Duty it is either by himself, or his Deputy, to ring and toll the Bells for the calling together all publick Assemblies, and for the Performance of all publick Exercises, &c. to look after the Clock, and to cleanse the Schools, and other publick Places of the University; and also to open and shut the School-Gates, &c. The University Bellman, whose Duty it is, either by himself or his Deputy, to give Notice by the ringing of a small Bell, of the Funerals of all Doctors, Masters, Scholars, and other priviledged Persons throughout the whole University and City in a solemn Manner, being clad in Mourning, and thus to attend the Corpse to Church, and to the Grave; and for this he receives a Fee; His Office is also to publish (as a Cryer) all the

Vice-Chancellor's Orders throughout the University and City; and he is chosen by the Chancellor or his Vice-Chancellor, as the Clerk of the University is, and enjoys his Place for Life. The Bailiff of the University is appointed by Letters Patents from the Chancellor, and holds his Office for Term of Life; who every Year, at the Beginning of *March*, is to take a View of all the University Tenements in *Oxford*, and to report the Condition of the Buildings to the Vice-Chancellor; and also to make Terriers thereof, and register the same. His Duty is also to take a View of all Estates, whether anciently or lately given to the University, for the Endowment of Lectures, and other Uses; and his Salary is *6 l. 13 s. 4 d. per ann.* I had almost forgot to acquaint the Reader, that it is the Business of this Person to scire all Felons Goods belonging to the University, &c.

C H A P. IV

Of Lectures and Lecturers, Doctors, Masters, Scholars, &c.

FROM the publick Servants of the University, I pass to Persons of an Honorable Station therein; and first I shall begin with Lecturers, Professors, &c. But before I speak of the publick Lectures now read here in the several Sciences, I will briefly treat of those which were anciently erected and establish'd among us, and from whence many of the present have their Rise, or (at least) their Form, &c. The first of these were those ancient Royal Lectures founded and endowed by *K. Alfred*, with per-

perpetual Stipends, which may be seen P. 20. in the *First Part* of this Work. In the Year 1134. *Rob Pullein* also read Divinity-Lectures, as has been already observed, P. 30. But these Lectures were intermitted, and then resumed again, according to the State of different Seasons. The next endowed Lectures were those which *Tho. Linacre* of *Canterbury*, sometime Fellow of *All-Souls College*, and Physician to King *Hen. VIII.* founded here; at the Time of his Death conveying certain Lands in *Kent* (called the Manor of the *Tracies*) to Sir *Thomas More* Knight, Bishop *Tonstall*, and others, for the Maintenance of three Lectures in Physick, viz. two at *Oxford*, and a third at *Cambridge*. But tho' only Stipends were paid to our two Lecturers in his Life-time, (as appears by a Letter from the University to him) yet these Lectures were endowed with a perpetual Revenue, long before his Death. But in the 3d of *Edw. VI.* (the Time of his Decease) the Realm being then employed in the Reformation of Religion; and his Trustees being some of them dead, and *Tonstall* (the only Survivor) being deprived of his Bishoprick, these Lectures, with the Estates devis'd to them, were consign'd over to *Merton-College* by *Tonstall*, at the Instance of his Friend Dr. *Raynolds*, then Warden thereof: And by Composition between the Bishop and the College, made Dec. 10. the two Lecturers of that College were oblig'd to read publickly in the University on *Galen* and *Hippocrates*.

There were anciently two sorts of Lectures, the one stiled *Cathedral*, and the other termed *Stated* or *Ordinary* Lectures.

The *Hebrew*, *Greek*, *Chaldaick* and *Arabick*, Lectures, founded by a Constitution of Pope *Clement V.* for the better Learning of these Languages,

guages, were read for many Years, not only at *Oxford*, but also at *Paris*, *Bononia*, and *Salamanca*; and 'tis easy to assign a Reason why *Cambridge* had not these Lectures then, viz. because they had no Schools then erected in that University. On the Death of *Clement V.* Pope *John XXII.* sent Letters to *Oxford*, for the perpetual Confirmation of these Lectures, and of the Lecturers Stipends.

Altho' Lectures in all Arts were of the same Date with Academical Degrees, and therefore in a Manner coeval to the University it self; yet ('tis probable) that Lecturers were without Stipends, from the Time of the *Norman* Conquest to the Reign of *K. Henry VI.* when *John*, Duke of *Bedford* and *Anjoy*, (the King's Ambassador in *France*) at the Instance of his Brother, (Duke *Humphry*) endowed the same, by giving a large Summ of Money for this End, which was lodg'd with his Books and other Furniture for this Use in a Chest, called the *Chest of the seven Liberal Arts, and the three Philosophical ones*, in the Custody of the University Chaplain and his Successors. Hereupon the University erected Publick Schools in *School-street*, and transferr'd these Lectures thither, not only for the Convenience thereof, but to perpetuate the Memory of the Benefaction, and in how great Esteem they were, appears by Letters sent from the University to these two Dukes: In Imitation of whose Piety, *K. Edw. IV.* founded here a Divinity-Lecture, for which the University in a Letter return'd him Thanks, and by a Statute commanded a solemn Anniversary on the Feast of *St. Dennis*, with so many Masses for his Soul. But what became of this Lecture afterwards, with several others, we are at a Loss to know; yet 'tis certain that this, and those of Arts, brought

A. D. 1432.

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brought on the Lectures of the Lady *Margaret*, and of Cardinal *Woolsey*.

Londinensis will have it, that the *Margaret*-Lecture at *Oxford* commenc'd on the 8th of *June*, 1508. on purpose to render the other, founded at *Cambridge* by the same Lady, coeval with this at *Oxford*; but herein he is much mistaken: For the Countess of *Richmond*, desirous of shewing her great Affection to *Oxford*, obtain'd a Charter or License of her Son K. *Hen*, VII. of the first of *March*, 1496. for the founding of ¹² *Hen*. 7. this Lecture here, from that Time maintaining the Lecturer at her own Expence, till the King's Confirmation of him by a Charter of the 7th of *September*, 1502. when he agreed with the Abbot and Convent of *Westminster* to pay twenty Marks *per Ann.* to the said Lecturer, giving about this Time certain Revenues to the said Convent, which by Covenant obliged them- ¹⁸ *Hen*. 7. selves to pay this Sum for ever, by even Portions at *Michaelmas* and *Easter*; and in Default thereof, at the End of seven Weeks after, the said Lecturer might enter and distrain this Convent's Lands, lying in the Mannors of *Drayton*, *West-Drayton*, *Hillington*, *Colham*, *Uxbridge*, *Willesdon*, *Paddington*, *Westburne*, *Kensington*, &c. for Satisfaction of the Arrears; and besides this Remedy, if this Convent remain'd in Arrears for two Months, it was then to pay a Fine of 40 Shillings *toties quoties*, by way of Penalty; for which the Lecturer might also distrain. This Money, on the Convent's ³² *Hen*. 8. Dissolution, reverted to the Crown; but the King, by a Letter of the 20th of *June*, the same Year, declared, that he would not suppress this Lecture; wherefore *June* 24. it was order'd by ³⁵ *Hen*. 8. the Chancellor and Court of Augmentation, that the Treasurer thereof should yearly pay this

this Stipend, which Order the King, on the 26th of *June* this Year, confirm'd. By this Charter the Countess would have this Lecture bear her own Name; that the Professor should be a Body Politick, to be elected by all Doctors and Batchelors in Divinity of the Convocation, every 2d Year; and to read the 1st Day of every Term, and so on all legible Days (except in *Lent*) on the holy Scriptures in the Divinity School.

The next Lecture I shall here treat of, tho' not in Order of Time as endowed, is that of History, founded by *William Camden* Esquire, *Clarencieux King at Arms*, and Master of Arts in this University; who gave thereunto the Mannor of *Boxley* in *Kent*, with all its Appurtenances, as a Provision for a perpetual Reader in History, for whose Stipend the University now receives 140*l.* per ann. But after a certain Term of Years, the Rents and Profits of the whole Mannor amounting to the Sum of 400*l.* per Ann. or thereabouts, devolve to the University, for the Use and Benefit of this Professor. The Charter of this Donation bears Date the 5th of *March*, 1622. and was the same Year publish'd in the Convocation-House; and the Year following Mr. *Camden* was enrolled as a publick Benefactor. The Lecturer's Duty is to read twice a Week, viz. on *Mondays* and *Fridays*, between the Hours of one and two in the Afternoon, in the History-School on *Lucius Florus* or any other ancient and approved Authors; at which Lectures all Batchelors of Arts, from the Time of their *Determinations*, and Students in Law, are obliged to attend.

About the same Time was founded and endowed the *Moral Philosophy* Lecture by *Thomas White* S. T. P. Treasurer of the Church of *Sarum*, Prebendary of *St. Paul's* in *London*, and Canon

May 17.

Canon of *Christ-Church* in *Oxford*; who by a Deed enrolled for this End on the 24th of *June*, convey'd unto this University the Mannor of *Langdon-Hills*; out of the Rents of which Estate, besides 100 l. per ann. to be paid to this Lecturer, he assign'd 50 l. per ann. to other charitable Uses. See *Magdalen-Hall*, Page 455. This Founder appointed, that after his Death this Lecturer should be chosen from five Years to five Years, by the Vice-Chancellor for the Time being, the Dean of *Christ-Church*, the President of *Magdalen-College*, the President of *St. John's College*, and the two Proctors of the University of *Oxford* for the Time being; and he is obliged on *Tuesdays* and *Fridays*, at 8 a Clock in the Morning, to read on *Aristotle's Ethicks*, *Politicks*, and *Oeconomicks*, in the *Moral Philosophy-School*, to all Scholars of one Year's standing, till they become Batchelors of Arts.

In the Year 1619. Sir *Henry Savile* Knt. observing, that the Study of *Mathematicks* was very much neglected; and being desirous to apply a Remedy thereunto, lest that the same should wholly decay; by Royal Authority, and with the Consent of the University, founded and endow'd for ever two publick Lectures, the one in *Geometry*, and the other in *Astronomy*. The Professor of *Geometry* is properly to read on the 13 Books of *Euclid's Elements*, *Apollonius's Conick Sections*, and all *Archimedes's* Books; and expounding on the same, to leave his Notes and Observations thereon in the University Archives in Writing: It is moreover the Duty of this Professor to teach and explain *Arithmetick* of all kinds, *Practical Geometry*, or *Measuring of Land*, *Musick*, and *Mechanicks*, at a proper Season most convenient for him. And for the better Fulfilling hereof, *Savile* has left him

him the Use of a Choice Library of *Mathematical* Books, Tables, Maps, and all Instruments relating thereunto; which being for the Service of each Professor, they are oblig'd to render an Account thereof, and to make amends for the Loss or Damage of them, according to the Indentures by them given to the Chancellor, Masters, and Scholars of the University; and by the Oath taken by them at their Admission.

The Professor of Astronomy's Business is to explain the whole *Ptolemaick* System, and (in due season) that of *Copernicus*, *Geber*, and other Modern Astronomical Discoveries; and to leave his Notes in Writing as aforesaid: And it is moreover his Duty to teach and read on *Opticks*, *Dialling*, *Geography*, and *Navigation*, at proper Times; but he is prohibited the Doctrine of *Nativities*, and *Judicial Astrology*. Besides publick Lectures in the Schools, the *Geometry*-Professor is bound to instruct all Youth willing to learn, in practical *Arithmetick* once a Week (at least) at his own Lodging, or some other adjacent Place, for the Space of an Hour. All Persons from two Years standing till one Year after Batchelor compleat, are to attend this Professor; and then they are obliged to be present at *Astronomy*-Lectures, until they take their Master of Arts Degree, under the Pain of 6 *d.* Mult for their Absence *toties*, &c.

These Professors may be chosen out of any Nation in Christendom, provided they be Persons of good Reputation, and have a tolerable Knowledge in the *Greek* Tongue, and are also 26 Years of Age. And if he be an *Englishman*, then he must be of the Degree of a Master of Arts (at least) without any Dispensation for want of Time, or doing of School-Exercise. And as often as either of these Professorship

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become vacant, the Vice-Chancellor is to signify the same in Writing unto the *Arch-Bp. of Canterbury, the Lord Chancellor of Great Britain, the Chancellor of this University, the Bp. of Lond. the Principal Secretary of State, the Chief Justices, the Ch. Baron of the Exchequer, and the Dean of the Arches*; who are to elect hereunto, and to be the Visitors hereof; and then on a Transmission of their Choice, the Person elected is admitted by the University in the Congregation-House.

The *Savilian* Professors, after their Admission, are expressly forbidden to accept of any Ecclesiastical Benefice *cum Curâ vel sine Curâ*, or any Prebend, Canonry, Arch-Deaconry, Headship of any College, Hall or Hospital, or any Fellowship in either, or any publick Office in the University, under pain of losing their Professorships *ipso facto*: And if either of them shall have such Benefice, Place or Office (as aforesaid) before his Admission, he is oblig'd to part with the same within six Months from his Admission, under the like Penalty. Those Stipends which were formerly given to the four Ordinary Lecturers in the *Mathematicks*, are now equally divided between these two Professors, who are in no wise obliged to attend Congregations or Convocations.

The *Anatomy* Lecture was founded by *Richard Tomlins*, who for the perpetual Succession and Continuance thereof appointed the King's Professor of *Physick* in the University for the Time being, to be the perpetual Reader of this *Anatomical* Lecture: And the said Lecturer, by the Charter of *K. Charles the First*, is impower'd every Spring, immediately after the *Lent* Affizes, to demand the dead Body of any condemn'd Malefactor, suffering Death within one and twenty Miles round *Oxford*, before it is interr'd,
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The Antient and Present State Part III.

by directing his Precept or Warrant to the Sheriff, Under-Sheriff, or his Bailiffs, &c. for procuring and delivering up the same; which Body shall be dissected by a skilful Chirurgeon in the Presence of this Professor, who is publickly to read thereon, and to shew and describe the Situation, Use, Nature and Office of all the Parts of the Body, at four distinct Lectures, as prescrib'd in the Statute made for this purpose. This Lecturer is also every *Michaelmas* Term to read three distinct Lectures on a Skeleton, and to give an account of the Bones and their Office, Situation, &c. And to this Lecturer there is yearly paid by way of Pension 25 *l.* viz. 12 *l.* 10 *s.* at *Lady-Day*, and the same at *Michaelmas*, out of which Pension the Lecturer pays three Pounds to the Chirurgeon for preparing the Body, and 40 *s.* for burying it. All Students in *Physick*, and Chirurgeons, in the University, are oblig'd to hear this Professor read his said Lectures, under the Pain of 2 *s.* Mult' *toties quoties* absent. The Chirurgeon is in the Nomination of the Professor.

Sir *William Sedley*, of *Aylesford* in *Kent*, Knt. and Baronet, having been once a Student in this University, retain'd so great an Affection for his indulgent Mother, that by his last Will and Testament of the 29th of *October*, 1618. he bequeath'd the Sum of 2000 *l.* to this University, to be laid out in the Purchase of certain Lands, for the Endowment of a Lecture in *Natural Philosophy*; and with this Money, after they had obtain'd a Licence of Mortmain, *Sedley's* Executors bought an Estate at *Waddesdon* in *Buckinghamshire* of 120 *l.* per *Ann.* and by a Deed Tripartite, made between *John Sedley* of *Aylesford* Baronet, on the one Part, *George Croke* of *Waterstock*, Esq; and *George Hirst* (whose Estate this

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this was) on the 2^d Part, and the Chancellor, Masters and Scholars on the 3^d Part, this Estate was conveyed to the University for ever, for the aforesaid Purpose. The Professor of *Natural Philosophy* reads twice a Week in full Term, viz. on *Wednesdays* and *Saturdays* at Eight a Clock in the Morning, and is heard by all Bachelors of Arts, under the Pain of a Groat for Absence in an Auditor, and Ten Shillings for the Professor's not Reading.

In the Year 1626. *William Heyther*, Doctor of Musick, for the Love he bore this Science or Faculty, founded at *Oxford* a Lecture therein, and endow'd the same with an Estate of 16 *l.* 6 *s.* 8 *d.* per Ann. at *Chislehurst* in *Kent*, allowing to a Master of Musick for Repair of Instruments and a House, 13 *l.* 6 *s.* 8 *d.* and the other 3 *l.* for teaching the Theory thereof once (at least) every Term; and as an Addition hereunto, *Heyther* pray'd the University to pay again the antient Salary of the *Moral Philosophy* Lecture, viz. 40 *l.* 5 *s.* which the Convocation, in Complaisance to this Benefactor, comply'd with, and accordingly decreed. As often as the Professorship in Musick becomes void, the Vice-Chancellor, Dean of *Christ-Church*, President of *Magdalene* College, Warden of *New College*, and President of *St. John's*, for the Time being, have the Nomination and Approbation of a Successor; as the Vice-Chancellor, President of *Magdalene* College, and Warden of *All-Souls* College have for the supplying of a Vacancy in the *Natural Philosophy* Lecture.

Before the *Cardinal Lectures* in *Divinity*, *Law*, *Physick*, *Philosophy* and *Mathematicks*, which were for some time read in *Corpus Christi* College-Hall, could be confirm'd by Act of Parliament; they, with the College begun by *Woolsey*,

sey, were adjudg'd to the King by way of Forfeiture, upon the Score of a *Premunire*, which the Cardinal had incurr'd. But the King, to recommend himself to Learning, with which he was so well acquainted, and to cut off all Occasions of Complaint against him for suppressing *Woolsey's* Munificence, he endow'd and settled Stipends on five Lectures himself; which Settlement notwithstanding was not made by the King, until after a long Silence of Years: Yet before he resolv'd on the founding of these Lectures, 27 *Edw. 2* 8. H. 8. he founded a publick Lecture in each University, and reserv'd to himself the Power of naming the Professors, and the Faculties wherein they were to read: And for the Maintenance of these Lectures, he did by Consent of Parliament remit First-Fruits and Tenths to all Colleges, provided that both Universities, with the Colleges of *Eaton* and *Winchester*, did (in memory of him) celebrate two Anniversaries, the one on the 8th of *May*, and the other on the 8th of *October*; and hereupon he made *Richard Smyth* his *Divinity* Professor (being the first King's *Divinity* Professor at *Oxford*) until such time as he should establish his five other Lectures. But then King *Henry* the 8th suppressing these two Lectures, A. D. 1540. he founded five others in each University, viz. in *Divinity*, *Hebrew*, *Greek*, *Law*, and *Physick*; to each of these Professors he assign'd a yearly Revenue of 40 *l.* to be paid by the Dean and Chapter of *Westminster* then newly founded: But the said Dean and Chapter, that they might be exempt from so great a Charge, amounting in the whole to 400 *l.* by a Deed in Writing convey'd over to the King their Lands, Mannors, Rectories, &c. which were given to the Dean and Chapter of *Christ-Church*, and they oblig'd themselves to pay these

these Salaries to the Professors of *Divinity*, *Greek* and *Hebrew*; and the other two Stipends of 40*l.* *per Ann.* each, are paid out of the Royal Exchequer. But these are not all the Endowments belonging to these Lecturers: For to the *Divinity* is annex'd (besides) a Canonry of *Christ-Church*, and the Rectory of *Ew-Elme* in *Oxfordshire*; to the *Hebrew*, a Canonry of *Christ-Church*; to the *Law*, a Lay-Prebend in the Church of *Sarum*; and to the *Physick*, the Government of the Hospital at *Ew-Elme* aforesaid. The Professor of *Divinity* reads on *Mondays* and *Fridays* at Nine a Clock: And his Hearers are all Masters of Arts of a Years standing, until they become Doctors in *Divinity*, or are of Doctors standing in this Faculty. The Law-Professor reads on *Tuesdays* and *Thursdays* on some Part of the Civil Law in Use here in this Realm: And his Hearers are all Students in Law till of Doctors standing. The Physick-Professor reads on *Tuesdays* and *Fridays*, at Eight in the Morning, on *Galen* or *Hippocrates*: And his Hearers are all Students in *Physick*, till of Doctors standing. The *Hebrew*-Professor reads on *Tuesdays* and *Thursdays*, at One in the Afternoon, unto all Batchelors after their *Determinations*, till they are promoted to a Master's Degree, and one Year afterwards. Besides these, there are Lectures in *Grammar*, *Rhetorick*, *Logick* and *Metaphysicks*, which are not endow'd: But the *Arabick* Lecture, founded *anno* 1636. by Arch-Bishop *Laud*, has a Stipend of 40*l.* *per Ann.*

In the *Civil Law* all Professors are called Doctors without any Distinction: And every Science is said to be more noble (according to the *Canonists*) by how much the Subject it self *Abbas, &c.* of such Science is more noble and exalted, than

the Subject of another, as we say in the like Case, *tanto quis melior est quāto melioribus praeest*. Thus the *Canonists* reckon the Subject of the *Canon* Law more noble than that of the *Civil* Law; because the Subject of Knowledge in the *Civil* Law is Man as he may be directed to the common Good; but this Subject in the *Canon* Law, not only leads a Man to the Good of the Community, but also to the Knowledge and Glory of God, according to the Scriptures: But Doctors of Law ought to have the Precedence of Doctors of *Physick*, and Masters of *Arts* (as they have in all Countries) because their Science is of a more elevated Nature in respect of the Subject. But the Study of *Divinity* has a more noble Subject than all others; because it principally treats of God himself, as appears from the Etymology of the Word *Theologia*. Under the Name or Title of Masters come all Doctors of what Faculty soever they be; and by use in *Italy* it has obtain'd, that only such as are promoted in Law, are stiled Doctors; but in other Faculties, they are called Masters: Yea, all Professors, or Persons presiding over any Science or Faculty, are term'd Masters, according to the Derivation of the Word *Magister*, à *Magistrando*, as Doctors, à *Docendo*. Yet Scholars come not under the Appellation of Doctors and Masters, altho' in a large Signification Doctors and Masters are comprehended under the Stile of Scholars; since they are called Scholars from frequenting the Schools, and being at leisure to attend Scholastick Exercises.

Scholastick Honours or Promotions are called *Degrees*, because they are given *gradatim*, as Persons by a Progress in Learning advance themselves thereunto; and these Degrees are by

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Universities granted to Scholars, as the honourable Rewards and Badges of their Studies. In all foreign Universities there are three Degrees, *viz.* That of a Batchelor, of a *Licentiate*, and of a *Doctor* or *Master*; for in *Philosophy* and *Divinity* those are named Masters, and in *Law* only Doctors, as just now observed. When these special Honours or Ornaments of Degrees had their first Beginning do's not appear among Authors; but it is highly probable, they were as ancient as Universities themselves. Mid. de Acad. Lib. 1. p. 120. Accordingly, in every University, the first Degree there taken in any Faculty, after the End of a certain Term of Years by Statute prescrib'd, is that of a Batchelor, receiving its Etymology, *à Baccha Lauri*; for in Laurel, those small or little *Pillula* are called *Baccha*, which this Tree buds forth as Flowers: And because there is Hope from the Flower, this Term *Baccha-Lauri*, is given to young Students, in Hopes they will afterwards merit the Laurel Crown. In some Universities this Degree is not given on a stated Term of Years spent therein, but according to the Sufficiency and Learning of the Candidate on his Examination; who is examin'd by Doctors, Licentiates, &c. appointed for that End. But in other Universities, this Degree is not conferr'd without waiting the statutable Time, which varies in many Places; in *Oxford* four Years, *Salamanca* five, &c. The Degree of a Licentiate is not in Use in either of our two Universities, so called from the Word *Licentia*, which is given to a Person of this Degree to ascend to a Doctor's or Master's at his Pleasure; wherefore a very strict and rigorous Examination is requir'd for the same, since the highest Degree in Learning follows thereupon, *viz.* that of Doctor; who has ma-

ny super-eminent Privileges granted him in the Civil and Canon Law, as may be seen in *Rebuffus*, &c. As to the Rewards and Salaries of Professors, according to the Civil and Canon Law, they are either reckon'd as *Usufructuaries*, or as *Pensioners*: *Usufructuaries* are such as are in Possession of the Estate themselves, out of which their Profits and Stipends do issue; and they have a Right to all the Profits which shall be separated from the Estate during their time, whether received or not: Yet if they shall lett a Lease, and make the Rent payable to them and their Successors, the Rent shall grow due to the Successor, and not to the Executor, tho' the Professor died the Day before the Time of Payment; for this is the Professor's own Act, that it shou'd be so. Pensionaries, or Pensioners, are such as are not in the Tenure and Occupation of the Estate themselves; but have a Right to a Portion of the Profits thereof in the Possession of another, so soon as they become payable: And such are many of our Professors at *Oxford*; who, if they die or quit their Lectures, before the Profits are due and payable, do lose the same, for they go to their Successors: Some will have it, that they ought to be paid *pro Ratâ Laboris*, which seems the more equitable Way; but Custom must determine in all these Cases.

An ACT concerning the several Corporations of the Universities of Oxford and Cambridge; and the Confirmation of the Charters, Liberties and Privileges granted to either of them.

Elizabeth R.

FOR the great Love and Favour that the Queen's most Excellent Majesty beareth towards her Highnesses Universities of Oxford and Cambridge, and for the great Care that the Lords and Commons of this present Parliament have, for the Maintenance of good and godly Literature, and the vertuous Education of Youth within either of the said Universities; and to the Intent, that the ancient Privileges, Liberties, and Franchises of either of the said Universities, heretofore granted, ratify'd and confirm'd by the Queen's Highness, and her most noble Progenitors, may be had in greater Estimation, and be of greater Force and Strength for the better Increase of Learning, and the further Suppressing of Vice: Be it therefore Enacted, by the Authority of this present Parliament, that the Right Honourable Robert, Earl of Leicester, now Chancellor of the said University of Oxford, and his Successors for ever, and the Masters and Scholars of the same University for the Time being, shall be incorporated, and have a perpetual Succession in Fact, Deed and Name, by the Name of the Chancellor, Masters and Scholars of the University of Oxford, and by none other Name or Names, shall be called and named for evermore: And that they shall have a Common Seal to serve for their necessary Causes, touching and concerning the said Chancellor, Masters and Scholars of

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the said University of *Oxford*, and their Successors. And likewise, that the Right Honourable Sir *William Cecil*, Knight, and Baron of *Burghley*, now Chancellor of the said University of *Cambridge*, and his Successors for ever, and the Masters and Scholars of the same University of *Cambridge* for the Time being, shall be incorporated, and have a perpetual Succession in Fact, Deed and Name, by the Name of the Chancellor, Masters and Scholars of the University of *Cambridge*, and by none other Name or Names, shall be called and named for evermore: And that they shall have a Common Seal to serve for their necessary Causes, touching and concerning the said Chancellor, Masters and Scholars of the said University of *Cambridge*, and their Successors. And further, that as well the Chancellor, Masters and Scholars of the said University of *Oxford*, and their Successors, by the Name of Chancellor, Masters and Scholars of the University of *Oxford*, as the Chancellor, Masters and Scholars of the said University of *Cambridge*, and their Successors, by the Name of Chancellor, Masters and Scholars of the University of *Cambridge*, may severally implead, and be impleaded, and sue, and be sued for all Manner of Causes, Quarrels, Actions real, personal and mixt, of whatsoever Kind, Quality, or Nature they be: And shall and may challenge and demand all Manner of Liberties and Franchises, and also answer and defend themselves, under and by the Name aforesaid, in the same Causes, Quarrels and Actions, for every Thing and Things whatsoever, for the Profit and Right of either of the aforesaid Universities to be done before any Manner of Judge, either Spiritual or Temporal,

poral, in any Courts and Places within the Queen's Highness Dominions whatsoever they be. And be it further Enacted, by the Authority aforesaid, That the Letters Patents of the Queen's Highness most Noble Father, King *Henry* the Eighth, made and granted to the Chancellor and Scholars of the said University of *Oxford*, bearing date the first Day of *April*, in the fourteenth Year of his Reign; and the Letters Patents of the Queen's Majesty that now is, made and granted unto the Chancellor, Masters and Scholars of the University of *Cambridge*, bearing date the six and twentieth Day of *April*, in the third Year of her Highness most gracious Reign; and also all other Letters Patents by any of the Progenitors or Predecessors of our said Sovereign Lady, made to either of the said corporated Bodies severally, or to any of their Predecessors of either of the said Universities, by whatsoever Name or Names the said Chancellor, Masters and Scholars of either of the said Universities, in any of the said Letters Patents have been heretofore named, shall from henceforth be good, effectual, and available in the Law, to all Intents, Constructions and Purposes, to the aforesaid now Chancellor, Masters and Scholars of either of the said Universities, and to their Successors for evermore, after and according to the Form, Words, Sentences, and true Meanings of every of the same Letters Patents, as amply, fully and largely, as if the same Letters Patents were recited *Verbatim* in this present Act of Parliament; any thing to the contrary in any wise notwithstanding. And furthermore, be it Enacted by the Authority aforesaid, That the Chancellor, Masters and Scho-

' lars of either of the said Universities severally, and their Successors for ever, by the
 ' same Name of Chancellor, Masters and Scholars of either of the said Universities of *Oxford*
 ' and *Cambridge*, shall and may severally have,
 ' hold, possess, enjoy and use to them and their
 ' Successors for evermore, all manner of Manors, Lordships, Rectories, Parsonages, Lands,
 ' Tenements, Rents, Services, Annuities, Advowsons of Churches, Possessions, Pensions,
 ' Portions and Hereditaments, and all manner
 ' of Liberties, Franchises, Immunities, Quietances and Privileges, View of Frank-Pledge,
 ' Law-Days, and other things whatsoever they
 ' be; the which either of the said corporated
 ' Bodies of either of the said Universities had,
 ' held, occupied, or enjoyed, or of Right ought
 ' to have had, held, used, occupied and enjoyed,
 ' at any time or times before the making
 ' of this Act of Parliament, according to the
 ' true Meaning as well of the said Letters Patents, made by the Noble Prince King *Henry*
 ' the Eighth, made and granted to the Chancellor and Scholars of the University of *Oxford*,
 ' bearing Date as is aforesaid; as of the Letters Patents of the Queen's Majesty, made
 ' and granted unto the Chancellor, Masters and Scholars of the University, bearing Date as
 ' aforesaid, and according to the true Intent and Meaning of all the other foresaid Letters
 ' Patents whatsoever; any Statute or other thing or things whatsoever heretofore made
 ' or done to the contrary in any wise notwithstanding. And be it further Enacted by the
 ' Authority aforesaid, That all manner of Instruments, Indentures, Obligations, Writings
 ' obligatory, and Recognizances, made or acknowledged by any Person or Persons, or
 ' Body

Body corporate, to either of the said Universities, by what Name or Names soever the said Chancellor, Masters and Scholars of either of the said Universities have been heretofore called in any of the said Instruments, Indentures, Obligations, Writings obligatory, or Recognizances, shall be from henceforth available, stand and continue of good, perfect, and full Force and Strength to the now Chancellor, Masters and Scholars of either of the said Universities, and to their Successors, to all Intents, Constructions and Purposes, altho' they, or their Predecessors, or any of them, in any of the said Instruments, Indentures, Obligations Writings obligatory, or Recognizances, be named by any Name, contrary or divers to the Name of the now Chancellor, Masters and Scholars of either of the said Universities. And be it also Enacted by the Authority aforesaid, That as well the said Letters Patents of the Queen's Highness said Father King *Henry* the Eighth, bearing Date as is before expressed, made and granted to the said Corporate Body of the said University of *Oxford*, as the Letters Patents of the Queen's Majesty aforesaid granted to the Chancellor, Masters and Scholars of the University of *Cambridge*, bearing Date as aforesaid, and all other Letters Patents by any of the Progenitors or Predecessors of her Highness, and all manner of Liberties, Franchises, Immunities, Quietances and Privileges, Leets, Law-Days, and other things whatsoever therein expressed, given or granted to the said Chancellor, Masters or Scholars of either of the said Universities, or to any of their Predecessors of either of the said Universities, by whatsoever Name the said Chancellor,

‘ cellor, Masters and Scholars of either of the
 ‘ said Universities, in any of the said Letters
 ‘ Patents be named, be, and by Virtue of this
 ‘ present Act, shall be from henceforth ratified,
 ‘ stablished and confirmed unto the said Chan-
 ‘ cellor, Masters and Scholars of either of the
 ‘ said Universities, and to their Successors for
 ‘ ever; any Statute, Law, Usage, Custom,
 ‘ Construction, or other thing to the contrary.
 ‘ in any wise notwithstanding. Saving to all
 ‘ and every Person and Persons, Bodies politick
 ‘ and corporate, their Heirs and Successors
 ‘ of every of them, other than the Queen’s
 ‘ Majesty, her Heirs and Successors, all such
 ‘ Rights, Titles, Interests, Leases, Entries,
 ‘ Conditions, Charges and Demands, which
 ‘ they and every of them had, might or should
 ‘ have had, of, in, or to any of the Manors,
 ‘ Lordships, Rectories, Parsonages, Lands, Te-
 ‘ nements, Rents, Services, Annuities, Ad-
 ‘ vowsons of Churches, Pensions, Portions,
 ‘ Hereditaments, and all other things in the
 ‘ said Letters Patents, or in any of them men-
 ‘ tioned or comprised by reason of any Right,
 ‘ Title, Charge, Interest or Condition to them,
 ‘ or any of them, or to the Ancestors and Pre-
 ‘ decessors of them, or any of them, devolute
 ‘ or grown before the several Dates of the same
 ‘ Letters Patents, or by reason of any Gift,
 ‘ Grant, Demise, or other Act or Acts at any
 ‘ time made or done between the said Chancel-
 ‘ lor, Masters and Scholars of either of the said
 ‘ Universities of *Oxford* and *Cambridge*, or any
 ‘ of them, and others, by what Name or
 ‘ Names soever the same were made or done,
 ‘ in like Manner and Form as they and eve-
 ‘ ry of them had or might have had the same
 ‘ before the making of this Act; any thing
 ‘ therein

therein contained notwithstanding. Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not extend to the Prejudice or Hurt of the Liberties and Privileges of the Right belonging to the Mayors, Bailiffs and Burgeses of the Town of *Cambridge*, and City of *Oxford*; but that they the said Mayors, Bailiffs and Burgeses, and every of them, and their Successors, shall be and continue free in such Sort and Degree, and enjoy such Liberties, Freedoms and Immunities as they or any of them lawfully may or might have done before the making of this present Act; any thing contained in this Act to the contrary notwithstanding.

By an Act of Parliament made in the 21st of *Hen. VIII. cap. 13.* intituled, *Spiritual Persons abridged from having Pluralities of Livings, &c.* it is provided by the 23^d Section or Clause of the said Act, ' That all Doctors and Batchelors of Divinity, Doctors of Law, and Batchelors of Law Canon, and every of them which shall be admitted to any the said Degrees by any of the Universities of this Realm, and not by Grace only, may purchase Licence, and take and keep two Parsonages or Benefices with Cure of Souls: So that always the said Liberty to purchase Licence, or Dispensation, and take, receive and keep more Benefices than one, be taken and understood after the Manner and Form aforesaid, to extend in Number to no more Benefices with Cure of Souls than one. And by the 28th Section or Clause of this Act, it is provided, ' That this Act of Non-Residence shall not in any wise extend, nor be prejudicial to any Scholar or Scholars being conversant

‘ fant and abiding for Study, without Fraud or
 ‘ Covin, at any University within this Realm,
 ‘ or without. And by the 26th Section or
 ‘ Clause of this Act, it is Enacted, ‘ That in
 ‘ Case any Spiritual Person, at any time after
 ‘ this Act should take Effect and be in Force,
 ‘ did not keep his Residence, as herein expres-
 ‘ sed and commanded, but absent himself wil-
 ‘ fully by the Space of one Month together,
 ‘ or by the Space of two Months, to be ac-
 ‘ counted at several times in one Year, and
 ‘ make his Residence and Abiding in any other
 ‘ Places by such time, that he should forfeit
 ‘ for every such Default ten Pounds Sterling,
 ‘ the one Moiety to the King, and the other
 ‘ Moiety to the Party that will sue for the same
 ‘ in any of the King’s-Courts by Original Writ
 ‘ of Debt, Bill, Plaint or Information: In
 ‘ which Action or Suit the Defendant shall not
 ‘ wage his Law, nor have any Effoin or Prote-
 ‘ ction allowed.” But since the making of this
 good Act and Statute, divers and many Per-
 sons being beneficed with Cure of Souls, and
 not being apt to Study by reason of their Age
 or otherwise, never intending before the ma-
 king of the said Act, to travail in Study within
 any the said Universities for the Increase of
 Learning, but rather minding and intending
 their own Ease, singular Lucre and Pleasure,
 by the same Provision colourably to defraud
 the same good Statute and Ordinance, do daily
 and commonly resort and repair to the said
 Universities of *Oxford* and *Cambridge*, and to
 either of them, where they under the said Pre-
 tence and Colour of Study, do continue and
 abide, living dissolutely, nothing profiting
 themselves by Study at all in Learning, but
 consume the time in Idleness, and in other Pa-
 stimes

times and insolent Pleasures, giving Occasion and evil Example thereby to other young Men and Students within the said Universities, little or nothing regarding their Cure and Charge of Souls, contrary to the Minds and Intentments of the Makers of the aforesaid good Statute and Ordinance: And also divers and many old Beneficed Men have and do continually remain there, never exercising nor practising their Learning to the Example of Virtue, and Maintenance of the Common-weal, in Discharge of their Conscience, according to their Duty, having nevertheless, and occupying such Rooms and Commodities as were instituted and ordained for the Maintenance of poor Scholars, to the great Hindrance and Detriment of the same.

Be it therefore enacted, by the King our sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, That all and singular Spiritual Person and Persons, which now be, or hereafter shall be, to any Benefice or Benefices promoted as is aforesaid, being above the Age of 40 Years, (the Chancellor, Vice-Chancellor, Commissary of the said Universities, or any of them, Wardens, Deans, Provosts, Presidents, Rectors, Masters, Principals, and other Head-Rulers of Colleges, Halls, and other Houses or Places Corporate within the said Universities, or any of them, Doctors of the Chair, Readers of Divinity in the common Schools of Divinity in any of the said Universities, only excepted) shall be resident and abiding at and upon one of their said Benefices, according to the Intent and true Meaning of the said former Act, upon such Pain and Penalties as be contained in the said former Act, and appointed for such Beneficed

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Persons, for their Non-Residence. And that none of the said Beneficed Persons being above the Age aforesaid, except as before excepted, shall from henceforth be excused of their Non-Residence upon the said Benefices, for that they be Students or Resiant within the said Universities, or any of them: any Proviso or any other Clause or Sentence specified or contained in the said former Act of Non-Residence, or any other thing or things to the contrary hereof in any wise notwithstanding.

And over this, be it enacted by the Authority aforesaid, That all and singular such beneficed Persons being under the Age of 40 Years, resiant and abiding within the said Universities, or any of them, shall not enjoy the Privilege and Liberty of Non-Residence, contained in the Proviso of the said former Act, made for the Scholars of the said Universities, or any of them, unless he or they be present at the ordinary Lecture and Lectures, as well at home in their Houses, as in the common Schools; and in their proper Persons keep Sophems, Problems, Disputations, and other Exercises of Learning, and be Opponent and Respondent in the same, according to the Ordinances and Statutes of either of the said Universities, where he or they shall be so abiding or resiant; any thing contained in the said Proviso or former Act to the contrary notwithstanding.

Provided alway, that this Act, nor any thing therein contained, shall not extend to any Person or Persons, which now is, or hereafter shall be, Readers of any publick or common Lecture in Divinity, Law Civil, Physick, Philosophy, Humanity, or of any of the Li-

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beral Sciences, or publick or common Interpreters or Teachers of the *Hebrew* Tongue, *Chaldee* or *Greek*, in whatsoever College or Place of any of the said Universities, the said Persons for the Time being, shall read the said common or publick Lectures: Nor yet to any Person or Persons after or above the Age of 40 Years, which shall resort to any of the said Universities, to proceed Doctors in Divinity, Law Civil or Physick, for the Time of their said Proceedings, and executing of such Sermons, Disputations or Lectures, which they be bound by the Statutes of the Universities there to do, for the said Degrees so obtain'd.

By a Clause in an Act of Parliament made in the third Year of King *Henry VIII.* Chap. 11. entitl'd, *An Act for the Appointing of Physicians and Surgeons*, it is provided, ' That this Act, nor any thing therein contain'd, be in no wise prejudicial to the Universities of *Oxford* and *Cambridge*, or either of them, or to any Privileges granted to them. The Intent and Purport of this Act is to prevent and restrain ignorant Persons exercising and practising the Science and Cunning of Physick and Surgery, without due Examination, Approbation and Admission, as therein is prescribed and directed. And again, the Privileges of the Universities of *Oxford* and *Cambridge* are saved by a Clause or Proviso in an Act of the 14th of *H. 8.* cap. 2. relating to what Apprentices strange Artificers shall take, &c. for that Act does not extend to the ' Inhabitants, Strangers that now be, or hereafter shall be, in the Universities of *Oxford* and *Cambridge*. And by another Clause or Proviso in an Act of 21 *Hen. 8.* c. 16. touching this or the like Purpose, the Privileges of the Universities of *Oxford* and *Cambridge* are saved.

‘ saved. ‘ Provided always, That no Artificer,
 ‘ Alien or Stranger, born out of the King’s O-
 ‘ beisance, being a Houfholder, or inhabiting
 ‘ within any of the Universities of *Oxford* and
 ‘ *Cambridge*— shall from henceforth have or
 ‘ retain in their Service Journey-men or Ap-
 ‘ prentices, being Aliens or Strangers born a-
 ‘ bove the Number of Ten Persons at one Time,
 ‘ upon pain of the Penalty contain’d in the faid
 ‘ A^t, made in the 14th and 15th Year of our
 ‘ faid Sovereign Lord, the Provision contained
 ‘ or specified in the same A^t notwithstanding.

By an A^t of Parliament made in the 2^d and
 3^d of *Phil.* and *Mary*, cap. 15. It is provided in
 Favour of the Universities, ‘ That no Purveyor,
 ‘ Taker, Badger, Loader, or other Minister,
 ‘ may or shall take or bargain for any Victuals
 ‘ or Grain, in any of the Markets of *Oxford* or
 ‘ *Cambridge*, or in any part of the City or Town
 ‘ of *Oxford* or *Cambridge*, or within five Miles
 ‘ Compass of either of them, without the Con-
 ‘ sent, Agreement and good Will of the Owner
 ‘ or Owners; nor shall they take away, or bar-
 ‘ gain for, any Commodity, bought or provi-
 ‘ ded within the faid five Miles, by any Mini-
 ‘ ster of any College or Hall, there to be spent
 ‘ in such College or Hall, in Pain to forfeit the
 ‘ quadruple Value thereof, and to suffer three
 ‘ Months Imprisonment without Bail. And the
 ‘ Chancellor, Vice-Chancellor, or his Commis-
 ‘ sary, in either of the faid Universities, with
 ‘ two Justices of the Peace of the County ad-
 ‘ jacent, have Power to enquire, hear and de-
 ‘ termine, the faid Offences. And the For-
 ‘ feitures shall be divided betwixt the Universi-
 ‘ ty, where such Offence is or shall be commit-
 ‘ ted, and the Prosecutor, and may be recover-
 ‘ ed in any Court of Record, or before the faid

‘ Chan-

Chancellor, Vice-Chancellor, or Commissary, and two Justices of the Peace. But this Act shall not be put in Execution at any Time or Times whensoever the Queen, her Heirs or Successors, shall be present in either of the two said Universities, or within seven Miles Distance therefrom, and shall be suspended during such Time only and no longer. *Note*, by this Act the Liberties of the Mayors, Bayliffs and Commonalties of *Oxford* and *Cambridge*, are saved. See the Act at large.

By a Clause or Proviso in an Act of Parliament made in the 7th Year of King *Edw. VI's* Reign, Chap. 5. it is provided, ' That this Act, or any thing therein contain'd, shall not in any wise be prejudicial or hurtful to any of the Universities of *Oxford* and *Cambridge*; or to the Chancellor or Scholars of the same, or their Successors, or any of them, to impair or take away any of the Liberties, Privileges, Franchises, Jurisdictions, Powers or Authorities, to them or any of them appertaining and belonging; but that they, and every of them, and their Successors, may have, hold, use and enjoy, all their Liberties, Privileges, Franchises, Jurisdictions, Powers and Authorities, in such large and ample wise, as though this Act had never been had or made; so always that there be not any more or greater Number of Taverns kept or maintain'd within any of the said Towns of *Oxford* or *Cambridge* than may be lawfully kept and maintained by the Provision, true Meaning and Intent of this Statute; any thing in this Proviso mention'd to the contrary notwithstanding. And

By a Clause in an Act of 12 Car.2. c. 25. entitled, *An Act for the better ordering the Selling of Wines by Retail, and for Preventing the Abuses in*

Mingling, Corrupting, and Vitiating of Wines, and for Settling and Limiting the Prices of the same; it is provided always, ' That this Act, nor any thing therein contained, shall not in any wise be prejudicial to the Privileges of the two Universities of this Land, or either of them, nor to the Chancellors or Scholars of the same, or their Successors; but that they may use and enjoy such Privileges as heretofore they have lawfully used and enjoy'd, any thing herein to the contrary notwithstanding. And by a Clause in one other Act of Parliament, made in the 15th of Car. 2. cap. 14. entituled, *An Act for Settling the Profits of the Post-Office, and Power of Granting Wine-Licenses, &c.* it is provided, ' That this Act, or any thing therein contain'd, shall not in any wise be prejudicial to the Privileges of the two Universities of this Kingdom, or either of them, or to the Chancellor or Scholars of the same, or their Successors, &c. as in the foregoing Clause of the 12th. And by a Clause in the latter End of this Act it is provided, ' That all Letters and other things may be sent or conveyed to or from the said two Universities, in manner as heretofore hath been used, any thing herein to the contrary notwithstanding.

By a Statute made in the first Year of Queen Eliz. Chap. 4. it is thus provided; ' That all Grants, Immunities and Liberties, given to the Universities of Cambridge and Oxford, or to any College or Hall in either of the said Universities, and to the Colleges of Eaton and Winchester, and unto every or any of them, by our late Sovereign Lord King Henry VIII. or any other the Queen's Highness Progenitors or Predecessors, or by any Act of Parliament, for or touching the Release or Discharge of

first

first Fruits and Tenths, or any Part thereof, shall be always, and remain in their full Strength and Virtue; and that all such lawful Conveyances and Assurances in Law, as were had or made before the making of this Act, to either of the said Universities of *Oxford* or *Cambridge*, or to any College or Hall within any of them, by what Name or Names soever they, or either of them be incorporated or named, of any Parsonages or Benefices impropriate, or of any Part of the same, or of any Patronages for the Maintenance of Students or Learning, shall be as good and effectual in the Law, to all Intents, Constructions and Purposes, as tho' this Act had never been made.

By a Clause in an Act of Parliament made in the first Year of K. *James* I. Chap. 22. entituled, *An Act concerning Tanners, Curriers, Shoemakers, and other Artificers, occupying the Cutting of Leather*; it is provided, That this Act, nor any thing therein contain'd, shall not in any wise be prejudicial or hurtful to the Chancellors, Vice-Chancellors, Proctors, Taxers, and Scholars, their Officers, Ministers, Assigns or Farmers, of the Universities of *Oxford* and *Cambridge*, or any of them, of, for or concerning, the Authority of Search of Tanned Leather, or any of the Forfeitures of the same, which they lawfully had, or might have had, before the making of this present Act; so as they do in all things observe such Order in, about or for, Searching, Sealing and Registring of Leather, as by this Act is prescribed and appointed, upon the Pain therein contain'd, any thing therein contain'd to the contrary notwithstanding.

By a Clause in an Act of Parliament, made in the third Year of the Reign of K. *James* the 1st,
O 2 Chap.

Chap. 5th, entituled, *An Act to prevent and avoid Dangers, which may grow by Popish Recusants*, it is enacted, 'That the Chancellor and Scholars of the University of Oxford, so often as any Benefice with Cure or without Cure, Prebend, or any other Ecclesiastical Living or Free-School, Hospital or Donative whatsoever, in the Nomination, Presentation, or Collation of a Popish Recusant Convict, during the Time of such Recusancy or Disability, shall be void, shall have the Presentation, Nomination, Collation and Donation of and to every such Benefice, Prebend or Ecclesiastical Living, School, Hospital and Donative, set, lying and being in the Counties of Oxford, Kent, Middlesex, Sussex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wiltshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Carmarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire, the City of London, and in every City and Town being a County of it self, lying and being within any of the Limits or Precincts of any of the Counties aforesaid, or in or within any of them, as shall happen to be void, during such Time as the Patron thereof shall be and remain a Recusant convict: But the Chancellor, &c. shall not confer such Benefice upon a Man already beneficed; and if they do, such Presentation, Nomination, &c. shall be utterly void. And,

By a Clause in an Act of Parliament, made in the first Year of K. William and Q. Mary, Sess. 1. Chap. 26. it is provided, 'That Persons refusing or neglecting to repeat and subscribe the Declaration mention'd in one of this present Parliaments, entituled, *An Act for the better*

‘ better securing the Government by disarm-
‘ ing Papists and reputed Papists, when ten-
‘ der’d by two or more Justices of the Peace,
‘ or forbearing to appear before them upon
‘ Notice, as the said Act directs, and shall
‘ thereupon have their Names and Places of A-
‘ bode certified and recorded at the General
‘ Quarter-Sessions, as by the said Act is ap-
‘ pointed, shall be disabled to make any Pre-
‘ sentation, Collation, Nomination or Donati-
‘ on, or any Grant of any Avoidance of any Be-
‘ nefice or Ecclesiastical Living, as if such Per-
‘ son were a Popish Recusant convict: And the
‘ Chancellors and Scholars of the two Univer-
‘ sities respectively, shall have the Presentation,
‘ Nomination, &c. of and to every such Bene-
‘ fice, &c. being within their respective Coun-
‘ ties, and other the Places and Limits men-
‘ tioned in the Act of the 3d of K. James I.
‘ Ch. 5th; provided, that the said Chancellor
‘ and Scholars shall not present or nominate a-
‘ ny Person, that shall then have any Benefice
‘ with Cure of Souls; but that such Presenta-
‘ tion shall be void.

By a private Act of Parliament made in the
13th Year of Henry the 4th, confirming the 13th
of Rich. the 2d, a Power is given to the Arch-
Bishop, to visit the Chancellor, Scholars, &c.
of the Universities, which was personal, in or-
der to keep out Heresies and Lollards. This
Statute was made upon complaint that the Arch-
Bishop and Founders were depriv’d of the Pow-
er of enquiring into and punishing of Here-
sies, &c.

By an Act made in the 8th Year of her pre-
sent Majesty, entituled, *An Act for the Encou-
ragement of Learning, by vesting the Copies of
printed Books in the Authors or Purchasers of such
Copies,*

Copies, during the Times therein mentioned, among other things it is provided, ' That if any Book-feller or Booksellers, Printer or Printers, shall ' after the 25th of March, 1710. set a Price ' upon, or sell, or expose to Sale any Book or ' Books, at such a Price or Rate, as shall be ' conceiv'd by any Person or Persons to be high ' and unreasonable ; it shall and may be lawful ' for any Person or Persons to make Complaint ' thereof (within the Universities) to the Vice- ' Chancellors thereof for the Time being, who ' shall and have hereby full Power and Authority, from Time to Time, to send for, summon or call before them, such Bookfeller or ' Booksellers, Printer or Printers, and to examine and enquire of the Reason of the Dearness and Inhauncement of the Price or Value of such Book or Books by him or them so sold or exposed to Sale ; and if on such Enquiry and Examination, it shall be found, that the Price of such Book or Books is inhaunced, or any ways too high or unreasonable, then, and in such case, the Vice-Chancellor of either University have hereby full Power and Authority to reform and redress the same, and to limit and settle the Price of every such printed Book and Books, from Time to Time, according to the best of their Judgments, and as to them shall seem just and reasonable ; and in case of Alteration of the Rate or Price from what was set or demanded by such Bookfeller or Booksellers, Printer or Printers, to award and order such Bookfeller and Booksellers, Printer and Printers, to pay all the Costs and Charges, that the Person or Persons so complaining shall be put unto, by reason of such Complaint, and of the causing such Rate or Price to be so limited and settled ; all ' which

' which shall be done by the Vice-Chancellors
 ' of the two Universities in *England*, or either
 ' of them, by Writing thereof under their
 ' Hands and Seals, and thereof publick Notice
 ' shall be forthwith given by the said Bookseller
 ' or Booksellers, Printer or Printers, by an Ad-
 ' vertisement in the *Gazette*; and if any Book-
 ' seller or Booksellers, Printer or Printers, after
 ' such Settlement made of the said Rate or Price,
 ' shall sell or expose to Sale any Book or Books,
 ' at a higher or greater Price than what shall
 ' have been so limited and settled as aforesaid;
 ' then and in every such Case such Bookseller
 ' and Booksellers, Printer and Printers, shall
 ' forfeit the Summ of Five Pounds for every
 ' such Book so by him, her or them sold or
 ' exposed to Sale; one Moiety thereof to the
 ' Queen's Most Excellent Majesty, her Heirs
 ' and Successors, and the other Moiety to any
 ' Person or Persons that shall sue for the same,
 ' to be recovered with Costs of Suit, in any of
 ' Her Majesty's Courts of Record at *Westmin-*
 ' *ster*, by Action of Debt, Bill, Plaint, or In-
 ' formation, in which no Wager of Law, Es-
 ' soign or Protection, or more than one Impar-
 ' lance shall be allowed.

' Provided always, and it is hereby enacted,
 ' that Nine Copies of each Book or Books, up-
 ' on the best Paper, to be printed and published
 ' as aforesaid, or reprinted and published with
 ' Additions, shall by the Printer and Printers
 ' thereof be delivered to the Warehouse-keeper
 ' of the Stationers Company for the Time be-
 ' ing, at the Hall of the said Company, before
 ' such Publication made, for the Use of the
 ' Royal Library, the Libraries of the Univer-
 ' sities of *Oxford* and *Cambridge*, the Libraries
 ' of the four Universities in *Scotland*, *Sion-Col-*

' lege Library in London, and the Library be-
 ' longing to the Faculty of Advocates at *Edin-*
 ' *burgh* respectively; which Warehouse-keeper
 ' is hereby required, within ten Days after De-
 ' mand by the keepers of the respective Libraries,
 ' or any Person or Persons by them or any of them
 ' authorized to demand the said Copy, to deli-
 ' ver the same for the Use of the said Libraries;
 ' and if any Proprietor, Bookseller or Printer,
 ' or the said Warehouse-keeper, shall not ob-
 ' serve the Directions of this Act, he shall for-
 ' feit, besides the Value of the said printed Co-
 ' pies, the Sum of five Pounds for every Copy
 ' not so delivered, as also the Value of the said
 ' printed Copy not so delivered; the same to
 ' be recovered by the Chancellor, Masters and
 ' Scholars of any of the said Universities, &c.
 ' Nothing in this Act shall extend, either to
 ' prejudice or confirm any Right that the said
 ' Universities, or any Person or Persons, have
 ' or claim to have, to the Printing or Reprint-
 ' ing any Book or Copy already printed, or
 ' hereafter to be printed.

' All Actions, Suits, Bills, Informations, &c.
 ' for any Offence against this Act, shall be
 ' commenced within three Months next after
 ' such Offence committed, or else the same
 ' shall be void: And after the Expiration of
 ' fourteen Years, the sole Right of Printing or
 ' Disposing of Copies shall return to the Au-
 ' thors thereof, if they are then living, for a
 ' nother Term of fourteen Years.

A Composition made between the University and Town of Oxford.

THis Indenture, made the 22^d Day of February, in the 37th Year of the Reign of King Henry the Sixth, between Mr. Thomas Chaundler, Doctor of Divinity and Chancellor of Oxenford, and the Scholars of the University, on the one Party, and Rob. Atwood, Mayor of the Town of Oxenford, and the Burgeses and Commoners of the same Town on the other Party, *witneseth*: Whereas divers Dissensions, Controversies and Debates, have been lately had and moved between the said Chancellor and Scholars and their Predecessors on the one Party, and the said Mayor, Burgeses and Commonalty and their Predecessors on the other Party, especially of and in three Points following. *First*, for the Demeaning and Deliverance of all manner of Scholars of the said University, their Servants and all other Persons having the Privilege of the said University, being arrested and imprisoned in the said Town, under the Keeping of the Mayor and Burgeses thereof, or any of them, for any Felony or Teason, in the common Prison of the said Town, claimed by a Privilege granted to the said University by King Henry the 4th. The *second*, for the Privilege, that the said Chancellor, Scholars, their Servants and others having the Privilege of the said University, claim to have in every Parle or Action commenced or taken by them or against them, or any of them, in the King's Court, holden in the Guild-Hall of the said Town, before the Mayor, Bailiffs, or any of them. The *third* for the Correction and Punishment

nishment of any Assault or Affray, or Weapon drawn against the King's Peace within the said University, by any Person of the said Town, or any other not being of the said University, nor having the Privilege thereof, that by the Commandment, Assent and Agreement of the Most Christian Prince our said Sovereign, the said Parties be agreed and accorded of and upon the Premises in the Manner and Form that followeth. First, as to the Point and Article before first rehearsed, it is accorded and agreed, that the said Mayor, Bailiffs and Burgeses, and Commonalty of the said Town, shall suffer from henceforward, as far as they can or may, the Chancellor, Scholars, and all other under the Privilege of the said University, peaceably to enjoy and use the Privileges, of which above is made mention; so that the said Mayor, Bailiffs and Burgeses, for such Deliverance by them to be made, have a sufficient and lawful Discharge for the said Prisoner, if the same Prisoner be claimed by the said Chancellor or his Steward for the Time being, within four Weeks after his Taking and Imprisonment in the Common Prison; so that the said Chancellor, his Steward, and other of them, do their true Part and effectual Diligence without Fraud, that the said Prisoner be deliver'd, acquit or attaint of such Treason or Felony, for the which he was arrested and so imprisoned, within 12 Weeks next after the Deliverance of the said Prisoner to the said Chancellor or his Steward so made: Provided always, that the Goods and Chattles of any such Prisoner, so arrested, be arrested and put in sure and safe Guard, by the Chancellor and the Mayor for the Time being, unto the Time that the said Prisoner, so arrested, be acquit or attaint of the said Felony or Treason,

or

or of any other before the said Steward at that Time attainted; to that intent, that at such Time that any such Prisoner be attaint, that then the said Goods and Chattles be delivered unto the said Mayor or Bailiffs for the Time being, as a Thing pertaining to the Fee-Farm of the said City. *And also to the second Point* and Article of Traverse between the said Parties, it is accorded by the said Parties, that from hence forward these and none other enjoy the Privileges of the University; *that is to say*, the Chancellor, Doctors, Masters, and other Graduates; all Students and Scholars, and all Clerks dwelling within the Precincts of the University, of what Condition, Degree or Order soever they be; every daily continual Servant to any of them before rehearsed belonging; the said Steward of the University, and feed Men of the same University, with their Menial Servants; also all Beadles with their daily Servants and their Households; all Stationers, Bookbinders, Limners, Writers, Pargemeners, Barbers, the Bell-ringer of the University, with all their Households; all Catours, Manciples, Spencers, Cooks, Lavenders, poor Children of Scholars within the Precincts of the said University; also all other Servants taking Cloathing or Hire by the Year, Half Year, or Quarter of the Year, taking at the least for the Year six Shillings and eight Pence, for the Half Year three Shillings and four Pence, and the Quarter twenty Pence, of any Doctor, Master, Graduate, Scholar or Clerk, without Fraud or Mal-Engine; also all Common Carriers; Bringers of Scholars to the University, or their Money, Letters, or any especial Message to any Scholar or Clerk, or Fetcher of any Scholar or Clerk from the University, for the Time of such Fetching, or
Bring-

Bringing, or Abiding in the University for that Intent. Provided always, that if any Clerk or Scholar having a Wife and Household within the Precincts of the University, or any Scholars Servant, sell any open Merchandize, by way of Merchandizing, that as touching such Merchandizing, they be *Tailable* with the Burgeffes of the said Town. Also it is accorded, that if any Scholars Servant by Livery or Hire under form abovesaid, not dwelling in the Household with the same Scholar, be arrested by the Mayor, Bailiffs, or any other Officers of theirs, if any Inhibition be sent from the Chancellor or his Commissary to the Mayor or Bailiffs for the said Person so arrested, that the Officer of the said University, that executeth the said Inhibition, with an Officer of the said Mayor or Bailiffs, bring without Delay the said Person so arrested to the said Chancellor or his Commissary, and there by streight Examination, after the Discretion of the said Chancellor, or by his Commissary, by an Oath to be proved, whether he ought to enjoy the Privilege of the University or not; and if it be proved, that he be not of the said Privilege, that then he be committed by the said Officers to the Mayor or Bailiffs, so for him to inhibit. And as to the *third* Point and Article of Controversy between the Parties, it is accorded and agreed, that if the Peace be broken between two Persons, of which two one is of the Privilege of the University, that the Correction and Punishment thereof only pertain to the Chancellor, according to the Statute of the University: And if the Peace happen to be broken between any two Laymen of the Town of *Oxford*, or of the Suburbs of the same, or else between any Foreigners or Foreigner, and a Layman of the Town; that then if the Mayor,

Mayor, Aldermen, Bailiffs, or any of their Officers, first arrest such Breakers of the Peace, that the Correction and Punishment of the said Trespass pertain wholly to the said Mayor, Aldermen, &c. And if such Breakers of the Peace be first arrested by the Chancellor, Proctors, or any of their Officers, that the Correction and Punishment of such Trespass pertain only to the Chancellor, according to the Statute of the University. Provided always, that if neither Party be of the Privilege of the said University, ne no such Person as is before rehearsed and shewed have the Privilege of the said University, that then the Suit or Party grieved or wronged be sued and determined before the Mayor and Bailiffs of the said Town. In witness of all which Things, as well the Seal of the Office of the said Chancellor, as the Seal of the University aforesaid, to the one Party of this present Indenture to the said Mayor and Commonalty have been set; and to the other Party of the same Indenture, as well the Seal of the Office of the Mayoralty, as the Seal of the Commonalty of the said Town of *Oxenford*, remaining toward the said Chancellor and University, been put. Yeoven the Day and Year abovesaid.

CHAP. V.

An Extract of several Royal Grants and Charters given to the University of Oxford, with the Sense and Opinions of the Lawyers thereupon.

FOR the Maintenance and better Conservation of the Peace, it is first granted, That the Chancellor of the University of *Oxford* for the Time being, and his Commissary and Deputy, shall be Conservators and Justices of the Peace

Edw. 1. ad
Parliament.
post Pasch.
Anno 18. Art.
3. Fol. 15. a.
14. H. 8. Art.
2 & 3.

in

in the Town of *Oxford*, and in the Counties of *Oxon.* and *Berks.*, as well as the four Hundreds adjoining to the Town of *Oxford*, in respect of all Scholars, privileged Persons and others, who shall break the Peace, or attempt the same, against the Laws of the Realm and the Statutes of the University: And that these Persons, and each of them, have Power and Authority over the aforementioned Persons, within the said Places; which any Justice of Peace in the aforesaid Counties of *Oxon.* and *Berks.*, or any other County of *England*, have over other Subjects in all Causes concerning the Peace (Mayhem and Felony only excepted): And that in all Causes, which do any wise concern the Peace of the Realm, or the University, wherein a Scholar or a privileged Person is one of the Parties, it is lawful for the Chancellor of the University, and (in his Absence) for his Commissary, to bind the Party convicted, or both the Parties, the one to the other, by Bond and Obligation, for the Surety and Preservation of the Peace, or otherwise, as it has been reasonably accustomed Time out of Mind, &c. And lastly, that the Chancellor shall have Cognizance, how the Bailiffs of the Town behave themselves in their Office, otherwise to do in respect of the University; and if the Bailiffs shall find themselves aggrieved thereby, they may repair to the King's Court for Redress, and receive Justice there: And this King *Edward* 1st granted to the University *pro voluntate sua*.

*Ad Parliam.
ment. prædict.
Art. 8. fol. 16.
b.*

2dly, That the Chancellor, Vice-Chancellor, or Proctors, shall have a Power to search by Day or by Night for suspicious Persons, and for such as can give no good Account of themselves, and to punish such as are faulty by Imprisonment, Banishment, or otherwise: And whensoever it shall be adjudged needful to make Inquisition for

for

for the Conservation of the Peace of the Realm or the University, it shall be the Duty of the Mayor and Officers of the City, upon a Mandate to them directed by the Chancellor of the University, to be assistant in the Search after such Offenders or Malefactors ; as it is the Duty of every Townsman herein to appear before the said Chancellor, or his Commissary or Deputy, upon due Summons, at what time soever required and commanded ; whereas in all other Causes the Freemen of the Town or City must have a Day's Warning (at least) given them for their Appearance.

3dly, That the said Chancellor, or his Commissary or Deputy, for the more perfect Conservation of the Peace aforesaid, and for other reasonable Causes him or them moving thereunto, may commit Transgressors of the Peace to Ward and safe Custody, whether Scholars, Citizens or Strangers, if out of their Houses or Lodgings after Nine of the Clock at Night, or before Four of the Clock in the Morning, upon *unlawful Occasions, &c.* and may impose a Fine of 40 s. on them ; and shall not be sued or impeached thereof by any Court of Law out of the University, by any Writ or Process of false Imprisonment, or otherwise.

10 Edw. 3.
48 Edw. 3.
fol. 87. a.

4thly, That the said Chancellor, or his Commissary or Deputy, may take away all Manner of Weapons, Offensive and Defensive, and cause them to be forfeited, if any Scholar or Townsman shall wear them contrary to the Statutes of the University.

29 Edw. 3.
fol. 77. a.

5thly, That no Justice of the Peace, neither the Mayor nor the Bailiffs of the City of Oxford, do presume to intermeddle in any Causes whatsoever, for Transgression of the Peace, within the Precincts and Limits of the University, if a Scho-

2 H. 4. fol.
117. b.
14 H. 8. Art.
8.

Scholar be one of the Parties offending, but that the Chancellor shall have the Hearing and Determination thereof according to the Laws, Statutes and Customs of the University.

The Townsmens Composition.
Feb. 23. 37
H. 6.

6thly, That by a Composition made between the University and the City of Oxford, on the 23d of February, in the 37th Year of the Reign of King Henry the 6th, it is among other things provided, that if the Officer of the University first arrests the Transgressors and Breakers of the Peace within the Town and Suburbs of Oxford, tho' neither of the Parties transgressing be of the Privilege; yet the Correction and Punishment thereof shall appertain and belong to the Chancellor of the University. See the Composition it self at large elsewhere recited.

20 H. 4. fol.
116. a.
14 R. 2. fol.
108. a.
28 Edw. 3.
fol. 69. b.
28 H. 3. fol.
2. b.
41 Edw. 3.
fol. 85. a.
4 H. 8. Art.
45.

For the Cognizance of Causes both Civil and Criminal, and the holding of Pleas thereof, &c. it is granted and provided; First, That all manner of Causes, Actions, Quarrels and Suits whatsoever, for any Matter done or begun within the Precincts of the University of Oxford (Felony, Mayhem and Freehold only excepted) ought to be heard and determin'd by the Chancellor of the said University, if a Scholar or privileged Person be one of the Parties in suit: But by a subsequent Charter of King Henry the 8th, this Grant is extended to all Causes, Actions, Quarrels, Suits, &c. any where arising within the Kingdom of England, if the said Chancellor will claim or challenge such Cause or privileged Person.

1 H. 5. fol.
138. a.
2 H. 4. fol.
117. b.
14 R. 2. fol.
108. a.

2dly, That the said Chancellor may proceed in the Examination of the aforesaid Causes (except as before excepted) determining the same after the manner and Course of the Common Laws of this Realm, or according to the Laws and Customs of the University (that is to say)

accord-

according to the Course and Method of the Civil Laws in all Civil Causes; and according to the Stile of the Canon Laws, in all Causes Ecclesiastical, at the Will and Pleasure of the Chancellor.

3dly, That the said Chancellor may also proceed in all and singular the aforesaid Causes, of Office as well as at the Suit and Instance of the Party litigant, herein making due Inquisition by Scholars, Townsmen, and others: And that no Justiciary, or any other Officer of Common Law do presume to intermeddle in any Matter or Cause determinable before the Chancellor of the University; and in case any do so intermeddle, they ought, at the Notification of the said Chancellor, forthwith to supersede all further Proceedings therein, and to make Allowance of such Claim or Challenge of Privilege, committing the Matter entirely to the said Chancellor, there to be determin'd and ended according to Right in that Behalf.

2 H. 4. fol.
116. a. 14 R.
12. fol. 108.
a. 2 H. 4. fol.
116. b. & fol.
117. a.

4thly, That all and singular Amerciaments, Issues and Profits whatsoever arising and coming out of the Suits in this Behalf, are granted to the Use and Benefit of the whole University, together with the Amerciaments of Forestalling, Regrating, &c. The five Pounds therefore to be paid being remitted to the University, by a Charter of Hen. IV. May the 13th, Anno Regni Secundo.

2 H. 4. fol.
118. a. 14
H. 8. Art. 17,
24, & 46.

5thly, That the said Chancellor may, in all Causes, determinable before him, punish obstinate Persons and Transgressors, whether they be of the University, or of the City, and also extraneous Persons Litigant or Criminal within the Precincts of the University; and that by Imprisonment or Banishment from the University, the Town and Suburbs thereof: And that

29 E. 3. 14 R. 2.
p. 69, 72, 105,
144. 4 H. 8.
Art. 12.

the Sheriff of the County of *Oxford*, and the Keeper of the Castle Prison in *Oxford*, shall be obliged to receive, keep and deliver all the said Chancellor's Prisoners committed and sent thither by his Order and Command ; and thus, in the like manner, are the Mayor and Bailiffs of the City of *Oxford* bound to receive, keep and deliver the said Chancellor's Prisoners so committed, as aforesaid : And moreover, that the said Sheriff and Keeper of the Castle Prison aforesaid, do not permit and suffer any Multitude of Persons to visit, or have any Conversation with the said Prisoners ; and the like of the Mayor and Bailiffs.

14 H. 8. Art.
22, 23, 25, 26,
& 29. 7 H. 4.
fol. 119. b.
& 120. a.
& b.

6thly, That if it shall at any time hereafter happen, that any privileged Person be indicted, arraigned, or appealed before any Judge or Officer at Law, by any Townsman, or other Person whatsoever, dwelling or having any Estate or Possessions within the City of *Oxford*, or in any of the Four Hundreds thereunto next adjacent, for Treason, Insurrection, Felony, or Mayhem, committed in any of the Counties of *Oxford*, or *Berks* ; and afterwards, by reason of such Indictment, Arraignment or Appeal, be arrested or imprison'd, then, if the Chancellor of the University will claim or challenge such Transgressor, the Parties who have him in Custody, shall send him forthwith to the Chancellor's Steward, upon Pain of 200 l. the one Moiety of which to be forfeited to the King, and the other Moiety to the University : So that a Steward named by the Chancellor obtaining the King's Commission under the great Seal, shall by Virtue of the same sit and administer Justice upon the Transgressor according to the King's Laws. And also, that when the said Steward, thus limited and authoriz'd, sends

sends for the Indictment, Arraignment, or Appeal, with the Process, and other Things belonging to the same, the Keepers thereof shall then forthwith transmit and send the whole Process, &c. to the said Steward, upon the like Penalty, as aforesaid: And moreover, that this Steward thus authoriz'd, may and shall make a Process under his Seal to the Sheriffs of *Oxford* and *Berks*, in order to have impanel'd 18 lawful Men, dwelling nigh unto the Place where the Offence is suppos'd to have been committed, to appear before the said Steward in the *Guild-Hall* of the City of *Oxford*, at a Day certain to him assign'd and prefix'd; which Sheriffs shall duly return the Precepts, upon the Pain of 40 Pounds, to be forfeited as aforesaid. The Steward also shall make other Precepts to the Beadles of the University in the like manner to return 18 other lawful Lay-men of the Privilege of the University, and then the one Half of the Jury to be taken of the one Pannel, and the other Half of the other Pannel, and so further to proceed according to Law and Justice.

For the Market, and the Ordering of Victu- 29 E. 3. fol.
als, &c. 75. a.

First, It is granted and provided, That the Chancellor only shall have the Custody of the Assize of Bread, Wine and Beer; and the Correction of the same, with all Fines, Amerciaments, and other Profits arising and coming thereof within the Town and Suburbs of *Oxford*.

2dly, The said Chancellor only hath the Custody of the Assize of Weights and Measures 30 E. 3. fol.
75. a.
within the Town and Suburbs of *Oxford*; so that he may, as often as need requires, amend and mark them, destroying them which shall

be adjudged unlawful, according to the Standard in the *Exchequer*, kept and observed in other Places of the Realm, and punishing the Transgressors thereof: The Amerciaments and Forfeitures hereupon to be deliver'd to the Mayor and Bailiffs of the City, by Extract made by the Chancellor; but in the *Hundred*, next without the *North-Gate*, the Profits and Emoluments thereof do belong to the University by an Agreement made by *Rich. Damory*.

29 E. 3. fol.
75. 2 H. 4.
fol. 117.

3dly, The said Chancellor only hath Power and Authority to enquire of Forestalling and Regrating of Flesh and Fish putrify'd, vicious, and otherwise incompetent, within the Town and Suburbs of *Oxford*, and duly thereof to inflict Punishment; the Amerciaments and Profits thereof appertaining to the University: And as the University has the sole Clerkship of the Market granted and committed to it, with a free Power to dispose of the Stalls and standing Places in the Markets, and therein to take Tolls, Stallage, Piccage, &c. So are the Mayor, Bailiffs, and Aldermen not to meddle therein, but to obey and assist the Chancellor in all things relating thereunto. ' The City ' indeed did pretend to take Toll formerly; ' but upon Complaints made against it in Parli- ' ament, 14 *Edw. 2.* and 28 *H. 6.* they were ' obliged to desist: And in the Year 1429. the ' City did in Convocation openly disown both ' Toll and Stallage, and a publick Instrument ' was thereupon made and recorded. For the ' Clerkship of the Market, the University was ' obliged, in 29 *Edw. 3.* to pay five Pounds ' yearly to the King; but this Payment was ' remitted by *Henry the 4th. vide supra.*

38 H. 3. fol.
5. a.

4thly, That no Regrator or Huckster do buy any Victuals in the Town, or coming towards the

the Town of *Oxford*; neither shall they buy any thing, nor sell it again, before Nine of the Clock in the Morning, upon Pain of Amerciaments, and losing the Thing which he so buyeth or selleth: And also, that every Merchant, or other Occupier, may bring Merchandize, and every kind of Victuals into *Oxford*, and there freely sell it in Gross, or by Retail at his Pleasure; any Liberty, Usage, or other Thing to the contrary notwithstanding.

For the Taxation of Houses. It is granted and provided, That all Houses, which Scholars dwell in, or hereafter shall dwell in within the Town and Suburbs of *Oxford*, may be taxed before the Chancellor of the University, from five Years to five Years, by two of the University, and two of the Town, sworn to examine and present the Taxation indifferent between the Parties. 4 H. 3. fol. 5.
18 E. 1. ad
Parliament.

For the Taxation of privileged Persons. It is granted and provided, That all privileged Persons at Payments to the King, shall be faithfully taxed and assessed after and according to the Quantity of their Goods by the said Chancellor, and not by the Mayor and Townsmen; and the Chancellor's Ministers ought to gather the Taxes. 29 E. 3. fol.
75. b. R. 2.
fol. 100. a.
H. 4. fol. 115.
a. H. 5. fol.
132. b. E. 4.
fol. 158. b.
H. 8. fol. 186.
a & b.

For keeping clean the Streets, &c. It is granted and provided, That the Chancellor of the University may compel both Scholars and Townsmen to pave the Streets, and keep them clean, removing Blocks, Stones, Fyme, Kine, Swine, &c. The Amerciaments arising from hence do belong to the Bailiffs of the City, if they levy them within the Space of three Days after the *Estreat* be deliver'd to them from the Chancellor; otherwise the Amerciaments shall appertain to the University. 1 E. 4. fol.
158. b. E. 3.
fol. 75. b. R. 2.
fol. 100. a.
H. 4. fol. 115.
a. H. 5. fol.
132. b. H. 6.
fol. 144. a.
Edw. 4. fol.
163. b.

10 E. 3. fol. 62. b. R. 2. fol. 94. b. H. 4. fol. 115. a. H. 5. fol. 127. a. E. 4. fol. 153. a. *For the Selling of Cloaths by Parcels.* It is granted and provided, That Linen or Woollen Cloaths brought to *Oxford* to be sold, either in Gross or by Parcels, may be so vended there, at the Liberty of the Sellers, without Action or Impediment of the Townsmen, or any of them.

18 E. 1. ad Parliament. fol. 116. b. See the Townsmens Composition Feb. 23. 37 H. 6. 14 H. 8. fol. 184. R. 2. fol. 108. a. H. 4. fol. 116. a. H. 5. fol. 137. b. *For Merchandizing.* It is granted and provided, That all privileged Persons of the University of *Oxford* may occupy and sell Merchandize by the way of Merchandizing, if they become tailliable with the Townsmen. See the Orders of Council. It is granted and provided, That all the following Persons shall enjoy the Privilege of the University, viz. all Scholars of the University, the Steward of the University, and the Feed-Men of the same; all Doctors, all Masters, and other Graduates; all Students and Scholars, all Clerks dwelling within the Precincts of the University, of what Condition, Order, or Degree soever they be, every daily continual Servant to any of them before-rehearsed, Beadles with their daily Servants and their Household; all Stationers, all Bookbinders, Lymners, Writers, Pargementors, Barbers, the Bell-Ringer of the University, with all Household Servants; all Caters, Manciples, Spenfers, Cooks, Launderers, poor Children of Scholars taking Livery, or Clerks within the Precincts of the University; also all other Servants of Scholars taking Livery, or after the rate of Six Shillings and Eight Pence by the Year, without Fraud or Mal-Engine; All common Carriers, Bringers, or Fetchers of Scholars, or being Messengers unto them, for the Time of such Bringing, Fetching, or Message doing, or Abiding within the University for that Intent: All these Persons be of the

jurisdiction of the University therein duly and strictly to be punished, if therein they do transgress. And by the Charter of K. Hen. 8. All Register'd and Matriculated in the University-Register, shall be deem'd privileged Persons; and to these are added all the Common Servants of the University, and their Households.

For holding of Courts and Leets, and for Prices of Corn, Grain, &c. It is granted, provided and acknowledg'd, That the University hath always ever since the Reign of King Edm. III. held a Court-Leet, or View of Frank-Pledge, twice yearly in the *Guild-Hall* in *Oxford*, as well over the Town, and all the Inhabitants thereof, as over the University; and the Bailiffs of *Oxford* have ever a Jury of Eighteen Men of the City or Town before the Chancellor of the University, to enquire, as was to them enjoyn'd, *ex parte Domini Regis*: In which Courts Inquisition was made of Forestallers and Regraters of the Market. *Item*, Of the Price of Corn and Grain: Of the Assize of Bread and Beer, how it was kept and observ'd: Of keeping clean the Streets, and paving the same: Of Weights and Measures: Of Fish and Flesh putrify'd, vicious and otherwise incompetent: Of corrupt Livers and Breakers of the Peace, with the like Matters. And that this other shall be a full, absolute and compleat Leet; and that the University shall have the Perquisites thereof, and a full Power to distrain for them.

For want of due using the Privileges of the University, it is granted and provided, that in Case the Chancellor and Scholars, or their Predecessors, have not fully used their Grants and Liberties, they nevertheless and their Successors, shall have full Power to exercise and enjoy the same in as ample a manner as they might otherwise

See the Orders of Council passed, 14 H. 8. fol. 184. b.

8 Edw. 2. fol. 32. a. & 81. a. 30 Edw. 3. fol. 8. 1 Hen. 4. fol. 115. a. Ed. 3. fol. 45. a. Edw. 3. 61. a. R. 2. fol. 93. a. 137. a. H. 5. 138. b.

Edw. 151. b. &c. wife lawfully have done; and shall in no wise be prejudic'd in their Right by any *Disuser*.

18 Edw. 1. ad Parliament. *For Customs.* The Townsmen have faithfully promised to observe and to see observed all free Customs, which the Chancellor and Scholars of the University have lawfully used and enjoyed Time out of Mind, &c.

28 H. 3. fol. 2. b. 2 Edw. 2. 10 Ed. 3. 14 H. 8. The Chancellor of the University shall have Power to hear and determine all Civil Causes, and Temporal Actions, any Prohibition made to the contrary notwithstanding, wherein a Scholar or a privileged Person is one of the Parties in suit; unless it be in Causes touching *Freehold*.

1 Edw. 4. fol. 169. a. 37 H. 6. fol. 25. & 144. a. *For the Correction of corrupt Livers.* It is granted and provided, That the said Chancellor shall have full Power to banish all incontinent and vicious Women; if they offend within the Town, or the Precincts of the University: So that such Persons shall not dwell within ten Miles of the University; and in case any do so after their Banishment, the Ruler of that Habitation, when the Chancellor shall signify their Banishment to him, shall imprison such banish'd Woman or Women, and afterwards expel her or them from thence.

14 H. 8. Art. 14. *For Felons Goods.* It is granted and provided, that the University shall have Power to search for and seize all such Goods, and enjoy the same to their own Behoof and Profit: Pursuant to which the Delegates of Convocation, *June 3. 1588.* decreed, touching the Goods of one *Harris*, a *Felo de se*, that his Widow should pay 5 Marks out of the Goods lately her Husbands, but then belonging to the University, for that he had killed himself; and the Residue of them by the Discretion and at the Will of the said Delegates given for the Maintenance of the Widow and her Children.

For

For the Precincts and Limits of the University: ^{2 Hen. 4.}

It is granted and provided, That the same shall extend on the East Part to the Hospital of St. Bartholomew; on the West Part to Boteley; on the North Part to Godstow-bridge; and on the South Part to Bagley-Wood; and so in Circuit.

For Spiritual Jurisdiction: It is granted and provided, That Scholars and privileged Persons shall be exempted from all Archbishops, Legates, Bishops, and other extraordinary Judges, for Contracts enter'd, or like as entred, for Excesses, Crimes, Faults, &c. within the Precincts of the University committed; and for all Scholastical Acts subjected to the Jurisdiction of the Chancellor only; to whom is granted herein all Power Ecclesiastical and Spiritual, to proceed after the Statutes, Privileges, and Customs of the University. All Sentences and Processes by any other Judge had or made, to be void, and of none effect; always saved the Statutes and Liberties of Colleges, namely, such Ordinances of the University by which the Proctors and Congregation have Interest in the Chancellor's Jurisdiction.

See the Senior Proctor's Book, fol. 4. Boniface. See the Appendix, p. xiii.

Item, The Chancellor of the University may *Sixtus IV.* affoil from Perjury *simpliciter vel ad cautelam*, and from all Penalties depending thereon, if it be humbly desir'd; and restore the Transgressors to their former Condition: And in Case any Judge shall make any Attempt in Derogation hereof, the same Attempts shall be frustrate and void.

Item, The said Chancellor or his Deputy ^{28 Edw. 3.} have Power granted to them to use the Censures of the Church in all urgent Causes.

Item, It is granted by the Archbishop of Canterbury, and ten other Bishops, that if any Person shall fly the University, contemning the Excom-
 See the Senior Proctor's Book. John Peckham Archbishop of Cant.

Excommunication of the University, or the Chancellor ; and repair unto any of their Diocesses, they will corroborate and confirm what was done herein in the University, and demand or commit the same to Execution, if they be required.

Item, Bishops grant, that if any Person shall repair into any of their Diocesses, who carry Weapons to break the Peace in the University, or otherwise troubling the Tranquillity of the same, being convicted thereof, or by the presumptive Knowledge of it by his Flight, if the Bishop be certified thereof under the Seal of the University ; they promise, if the Transgressor be a beneficed Man, to sequester the Fruits and Profits of his Living for three Years, for due Satisfaction of the Hurt and Damage sustain'd by the University ; and in case the Transgressor be not promoted, to render him unable to take Promotion for five Years at the least, until Amends be made for the Injury and Damage done.

See the said
Book, p. 71.
Oliver Sutton,
Bp of Lincoln.

Item, The Bishop of *Lincoln* doth accept and approve the Premises under his Seal, as the other Bishops had done before him.

Item, The Chancellor of the University hath Power and Authority to prove the Testaments of all privileged Persons, and also to grant Letters of Administration of all Scholars and privileged Persons Goods, dying intestate.

3 *Edw. 3.*
Circa Transf.
Tho. Martyr.
H. 7.

For the Liberties without the North-gate. It is granted and provided, That the University shall have as ample Liberties in the Hundred or Suburbs next without the North-gate as they have within the Town of *Oxford*, granted by the King on the Agreement of one *Rich. Damory*.

31 *Edw. 3:*

For the Scholar's Obit, &c. It is granted and provided, That the Mayor, Bailiffs and Aldermen,

men, and other Townsmen, to the Number of 62, are bound to keep an *Obit*, with Deacon and Sub-Deacon, in St. *Mary's* Church, on St. *Scholastica's* Day, every Year perpetually ; offering there every Man one Penny, in the whole 6 s. 8 d. to be dispos'd of to poor Scholars in Alms ; for Surety whereof the Town is bound to the University in an Obligation of 100 Marks of Annuity, under their Common Seal ; which Ordinance and Obligation is exemplified and ratified by K. *Edw.* III. But this, on the Account of Religion is since alter'd. The Mayor, Aldermen, and 58 Burgesses of the Town of *Oxford*, are obliged every Year in St. *Mary's* Church to take an Oath for the Conservation of the Liberties and Privileges of the University. And thus are the Sheriff, Under-Sheriff, and his Ministers, every Year, upon the Receipt of the Sheriff's Commission, obliged to take an Oath for the Conservation of the Liberties and Privileges of the University of *Oxford*, in the Presence of some of the University, thereunto by the Chancellor appointed.

It is also granted and provided, That Scholars, their Servants, and the Servants of the University shall not be forced to appear at *Musters*, or to contribute thereunto ; and that they shall be discharged of Subsidies, Reliefs, Impositions and Contributions. This Grant is not originally owing to the Charter of King *Charles* I. but derived from Custom, acknowledged and settled in Parliament, 18 *Edw.* I. and ever since allowed upon solemn Hearings, under Queen *Elizabeth* and K. *James* I. and is such a reasonable Privilege, that all foreign Universities enjoy the same.

It is also granted and provided, That the University of *Oxford* may have two Coroners, to
sit

fit and take Inquisition on the Bodies of privileged Persons. By the Charters of *H. 4.* and *H. 8.* the University had Power to hear and try all Felonies and Murders, committed either by their own Members or against them; and therefore, in pursuance of former Rights, and for the better Enquiry into those Offences, that were afterwards to be finally tried by them, it was granted, that the Coroner should be appointed by them and their Authority. The Coroner's Power was indeed before lodg'd in the Chancellor and Steward; and *Charles I.* did not so properly create a new Office; as divide the different Powers of a former Officer. This Privilege does in no wise incroach on the Right of the City, who have a Power to appoint a Coroner for themselves, and were forbidden by former Charters to assign one for the University.

29 *E. 3. fol. 8.* All Clerks and Scholars whosoever, within
b. E. 2. fol. the University of *Oxford*, are so exempted from
 31. *a. E. 3.* Appearance, That they shall not be compelled
fol. 44. a. to be of Juries or Assizes; and if they be thus
E. 3. fol. 60. impanell'd or summon'd, upon a Certificate or
a. R. 2. fol. Notice given by the Chancellor of their being
 92. *a. H. 4.* of the University, their Writ of Privilege shall
fol. 115. H. 5. be allowed unto them without the Formality of
fol. 124. b. Pleading.
Edw. 4. fol.
 150. *b.*

32 *H. 3. 18* The Mayor, Aldermen, and fifty-eight other
Ed. 1. ad Parl. Burgeesses of the Town or City of *Oxford*, are to
Art. 4. lib. be sworn every Year in *St. Mary's Church*, for
chart. fol. 16. the Conservation of the Liberties and Privileges
a. of the University, in Manner and Form following, *viz.* ' Ye shall swear, That all Liberties
 ' and free Customs, which the Chancellor and
 ' Scholars of this University have by the Grants
 ' and Charters of our Sovereign Lady the Queen,
 ' and her Progenitors (*mutatis mutandis*) and all
 ' other

other Customs which the said Chancellor and Scholars have reasonably used, well and firmly ye shall hold and faithfully cause to be holden, saving your Fidelity given to our Sovereign Lady the Queen. This Oath, as to the Form of it, the Townsmen have frequently complain'd of, though approv'd and settled on solemn Debate in Parliament above 400 Years ago; objecting against it, that it is conceiv'd in *General Terms*: To which 'tis replied, so are all those Oaths which are requir'd by the City of *Oxford*, and other Places, of all their Freemen, when they are first enfranchis'd to *preserve the Privileges* of their respective Corporations. They also pretend Ignorance of our Privileges, and thereby insinuate how unjust it is they should swear to preserve them; whereunto it is answer'd, That neither this Oath, nor any other of this kind, conceiv'd in *General Terms*, by Intendment of Law, binds the Takers to any farther Observance of the Particulars comprehend'd within that Generality, than as they shall come to their Knowledge; and further, that this Reason (if it be of any Force) is much more pregnant against the Oath usually impos'd on all the Freemen of *Oxford*, at their first Admittance, to *maintain and keep all the Franchises, Liberties, and Customs of the City*, to which many of them are altogether Strangers, at the Time of their taking of that Oath; whereas none are requir'd or admitted to swear to maintain the Liberties of the University, besides a few Citizens of the graver sort, to whom, by Reason of Vicinity, and long Conversation amongst us, the Customs and Liberties of the University are sufficiently known. Tho' we confess all our Privileges to be *just*, yet we neither pretend to be our own Judges, to determine in point of Controversy,
which

which are just ; neither do we pretend, that the Mayor, or any Citizen is bound to swear, or if he swears, is bound to maintain all or any Privileges barely claim'd by the University as *just*, unless they be so in themselves, and have been *lawfully* used by the University ; and therefore we do not claim, that the Mayor and Citizens ought to swear to maintain any other than the *lawful* Privileges of the University : And that it is acknowledged by the Townsmen, that the Mayor is bound by Oath (and known by common Practice, that every Freeman is in the like manner bound) to maintain all the Liberties of the City ; and that many of them do stand in opposition with divers of those claimed by the University, it must follow, that all such pretended Liberties of the City as do clash with those of the University, which the Mayor and Citizens are requir'd by Oath to maintain, must be in themselves unlawful : But the Citizens of latter Times to overthrow the just and antient Rights of the University, have, by new Inventions, framed Oaths contrary to our Privileges, and then have complain'd of our Privileges, for being contrary to their Oaths.

29 Edw. 3.

The Sheriff of *Oxford*, at the Receipt of his Commission, shall swear for the Conservation of the Liberties and Privileges of the University of *Oxford* ; and the Under-Sheriff, and other Ministers to the Sheriff, shall swear in the like Manner at *Oxford*, in the Presence of some of the University therefore by the Chancellor appointed, and the Sheriff shall cause them to take the ensuing Oath, *viz.* ' Ye shall swear that ye
' will defend to your Power the Masters and
' Scholars, and their Servants, of the Univer-
' sity of *Oxford*, from all Injuries and Oppressi-
' ons ; and the Peace of the same University, as
' far

‘ far as possible, ye will see conserved ; and al-
‘ ways when need is, ye will give Counsel and
‘ Help to the Chancellor and Scholars, for
‘ the punishing Disturbers of the Peace, ac-
‘ cording to the Privileges and Statutes of the
‘ University ; and to your Power defend the
‘ Privileges, Customs and Liberties of the said
‘ University.

The University of *Oxford* having the undoubted *Affize* and *Assay* of *Bread* and *Beer* (and the Oath for observing the same being a necessary Consequence thereof) the Right and Custom of admitting and licensing common Brewers and Bakers in *Oxford*, is not only an ancient Right in the University, but for the Fitness thereof has also been received and confirm’d by Act of Parliament : Neither is this Right without Examples of the like Nature in the Book-Cases, where Time has indulg’d the same Custom to Persons of Quality in other Places. And this particular Right has not many Years since been declared by the free and voluntary Acknowledgement of the Brewers themselves to be in the University. As to the Fees for such Licenses or Admissions, they have been anciently paid to several Officers of the University, for their Pains about this Business, and are in themselves but moderate, far short of such Fees as are requir’d by the City and their Members in other like Cases ; but the University claims no Fee to their Body for any such Grant or License. And ’tis not improper for the University to have this Right, which (in all Probability) would be worse practis’d, and with greater Prejudice to the publick, if exercised by the City ; whose chief Magistrates are for the most part Men of the same Trades, and who, by several Acts of Parliament, are prohibited from intermeddling with

with the Affizing and Correction of Victuals, or the Default therein.

The University, by ancient Custom confirm'd by Act of Parliament, have used to make *By-Laws* for the better Ordering and Government of the University, and the Scholars therein; which *By-Laws* bind not only Scholars but Trades-men also, in relation to the Government of Scholars, and not otherwise. And this Power is adjudg'd in divers Book-Cases to be binding unto Strangers in the like Cases, tho' they never actually consented thereunto by themselves, or by any immediate Representatives to the making of any such *By-Law*. And the Townsmen themselves, in other Cases, do both claim and exercise a like Power over the Estates and Persons of several Inhabitants in *Oxford*, not of their Corporation, nor any wise privy nor consenting to their Orders, either by themselves or their Representatives. As to the Case concerning *Tailors*, the University has made no *By-Laws* concerning them, but in relation to the Government of Scholars; and if it should be in the Power of *Tailors* to inveigle young Scholars into new and chargeable Fashions in Apparel, contrary to their Parents Desire, the Direction of their Tutors, and the publick Discipline and Order of the University, meerly to enhance their own Prices in making, and the Mercers Gains in Selling such dear but unnecessary Trimmings as this Instance relates unto, it may prove a great Evil and Inconvenience to Scholars and their Parents.

Privileged Persons have so ancient a Right to the Exercise of any Trade, that their Prescription to it commences before the oldest Charter to the City, and is saved. This Right is allowed in Parliament, 18 *Edw. 1.* and declared

clared by exprefs Words in the Charter of 14 Hen. 8. ratified by Statute under Queen Elizabeth, and only more largely explain'd by 11 Car. 1. Limits have since been put to this Privilege, which the University have never transgressed; nor have ever, as the Town uses to do, pleaded their ancient Rights in Bar of the subsequent Restrictions of it.

The University did sometime heretofore use the Censure of Excommunication against their own Members in Temporal Matters at the Instance of the Party, but have not so done for almost these 40 Years, that Course being now in Effect abolish'd by Act of Parliament, as repugnant and contrary to the Laws of the Realm in Civil Causes.

The Chancellor of the University, or his Commissary ought to set the Price on Candles. See *Laud's Chancellorship*, Page 183. where there is this Case, viz. The *Chaundlers* (two of that Company being Aldermen of the City) took upon them to sell Candles at a Price above that which was set by the Vice-Chancellor; and they being called to an Account for so doing, wilfully refus'd to comply with the Vice-Chancellor's Order; whereupon he resolved to make the said two Aldermen an Example unto the rest; first, on a Summons to demand their Mult due for their Offence; which they refus'd to pay; whereupon they were cited into the Chancellor's Court with an Intimation given them, that if they appear'd not, he would call a Convocation and discommon them; but at length, after some Contempt, upon better Advice, they appear'd and made their Submission.

Oct. 4. 1639.

Upon an Occasion of Difference between *Litchfield* and *Turner*, about their Printing, the Charters of the University were examined, to

14 H. 8.

see what Power the University had in Relation to Printing, and how many Printers were allowed them: But upon Search no Grant at all was found, so that Custom is the best Warrant for that Privilege, the great Charter of King Henry VIII. making no mention thereof: But the University of Cambridge, which had the like Charter, found that Defect in it, and upon Application to the King, obtain'd a particular Charter for Printing, which is very large, and of great Honour and Benefit to that University.

In the 11th Year of King Charles I. a Charter was granted to the University for Printing, at the Instance and Request of Archbishop Laud, as above-remember'd, Page 477.

The University of Oxford, both at the Time and long before the making of the Statute of the 7th of Edw. VI. Chap. 5. had the Privilege of Licensing and Suppressing of Taverns in Oxford, and this Privilege is expressly saved to the University by a Proviso in that Statute; by Virtue whereof we justify inhibiting the City to erect Taverns, or license the Sale of Wine by Retail in Oxford, neither the Letter, nor the Equity of this Statute enabling the City so to do: And further, that in respect of this Power, which the University claims and exercises over Vintners, Brewers, Bakers, and other Victuallers, and in the Market, and for those small Perquisites received from thence, the Citizens are yearly abated, and the University was yearly heretofore charged with a great part of their *Fee-Farm* Rents, whereas the University does not receive any considerable Benefit this Way proportionable to what the City has, or claims to have, as belonging to *Fee-Farm* other ways. This Statute is a Law *pro bono publico*, Taverns being looked on as disorderly Houses, and therefore

re-

restrained to a License and Approbation of Places and Persons, their Multitude and Looseness occasioning the Act.

Dews being sued, prayed his Privilege, because at the Time of the Suit commenced, he was a Commoner in *Exeter-College* in *Oxford*; and brought Letters under the Seal of the Chancellor of the University of *Oxford*, certifying their Privilege; and he certified, that *Dews* was a Commoner of *Exeter-College*, at the time of the Suit commenced against him, as appear'd by the Certificate of Dr. *Prideaux*, Rector of the said College; whereas he ought to have certified, that he was upon his own Knowledge a Commoner of the said College, and not upon the Certificate of another; and afterwards a Certificate was made of his own Knowledge, and then it was allowed to be good, and the Privilege was also allowed. *Godbolds Rep. p. 404.*

Prat being Plaintiff exhibited a Bill in the Court of Chancery, against the Defendant *Taylor*, to have an Account of several Sums of Money, which the Defendant, a Fellow of *Exeter-College* in *Oxford*, and a Tutor to the Plaintiff's Son, received towards the necessary Occasions of his Son. The Chancellor of *Oxford*, by an Instrument in Writing, set forth the Privilege of the University granted by Charters and confirm'd by Act of Parliament: And the Defendant was a Scholar and Resident in the University, and that they had a Court of Equity, and thereupon prayed, that *Taylor* might be dismissed. But the Lord Keeper did not allow the Claim; for that Cognizance of Pleas in Equity could not be granted, tho' Precedents were shewn of the same Claim allow'd in Queen *Elizabeth's* Time. He asked, whether any could be shewn in my Lord *Ellesmere's* or my Lord Co-

ventry's Time ; but none could be shewn ; and thereupon he disallow'd the Claim, and said, that it must be put in by way of Plea : But withal declared, that it should not be on Oath, but it should be sufficient to aver the Defendant to be a Scholar resident within the University, &c. without an Oath. *Cases in Chanc.* Part I. p. 237.

In the Case of Sir *Tho. Draper* against Doctor *Crowther*, who pleaded, that he was Head of *St. Mary Hall* in *Oxford*, and set forth the Charter of the 14th of *Rich. II.* and the 14th of *H. VIII.* empowering the University to enquire and proceed in all Pleas and Quarrels in Law and Equity, except concerning Freehold, where a Scholar, their Servants and Ministers, are one of the Parties, &c. so that the Justiciaries of the King's Bench, or of the Common Pleas, or Justices at Assizes, do not intromit themselves, &c. and the Confirmation of all these Charters by an Act of Parliament of the 13th of *Eliz.* and he concluded his Plea to the Jurisdiction of the Court of Chancery : But Dr. *Crowther* was over-ruled, because the Charter ought properly to be extended to Matters at *Common Law* only, or to Proceedings in Equity that arise in such Cases, and not to meer Matters of Equity, which are originally such, as to execute Agreements in *specie*. Again, Cognizance of Pleas is never to be allow'd, unless the inferior Jurisdiction can give Remedy : Here in the Chancellor's Court of the University of *Oxford*, they can only excommunicate or imprison, but cannot proceed to a Sequestration of Lands in *Middlesex*. If the Matter lies only in Damages, Cognizance of Pleas may be allow'd to the University, because its Jurisdiction is given all over *England* ; but this is not to be intended, where the Suit is for the Thing it self, and when it is out of their Reach,

Reach, as in the present Case : And thus Cognizance of Pleas is never to be allow'd, unless the inferior Jurisdiction can give Remedy.

In the Case of one *Cripps* and *Webb*, on Action of Trespass, *Quare Clausum fregit & Domum suam intravit in Sanctâ Mariâ in Oxford*, Cognizance of Plea was denied to the University upon a Demand thereof, because the Freehold might come in Question ; and so it was said by the Court it should be, for the Reason in an *Ejectione firma*.

A Townsman of *Oxford* was chosen into an Office in the Corporation, and refusing to hold it, he incurr'd a Penalty according to the Usage of this Place, for which an Action of Debt was brought ; And it was moved for the Defendant *Wildgoose*, that he might be allowed the Privilege of the University ; and a Charter was shewn whereby it was granted to the University, that their Members, Servants, &c. belonging to the University, should be sued in the Court before the Vice-Chancellor, and not elsewhere ; and a Certificate was produced from the Chancellor of *Oxford* directed to the Chief Justice & *Sociis suis Justiciariis de Banco*, that the Party was matriculated and registred in the University, and a Servant to Dr. *Irish*. And after hearing Counsel, and it appearing to the Court that he was registred in the University but two Days before he was chosen into the Office, and was a Painter that had dwelt long in the Town, and had been for many Years of the Corporation, and no Servant to Dr. *Irish*, but had a Dwelling-House, and kept Shop, and he procur'd himself to be admitted into the University, as an Artificer, to hinder the Remedy, which the Town had against him, for not holding his Office ; the Privilege was denied by the

whole Court, *Ventr. Rep. Part II. page 106.*

In the Case of one *Gayton* against *Raydon*, the Chancellor of the University of *Oxford* demanded Cognizance of the Action, it being an Action of Debt between the Beadles of the University, by special Warrant to Attorneys, and brought into Court by Rule, which being put into a Form of Plea, the Court granted, *Nisi. Keeb. Rep. Vol. 1. pag. 317.*

No Prohibition shall be awarded to the Chancellor's Court of the University of *Oxford*, to stay Proceedings there, for holding Plea, when the Cause of Action arises of the Jurisdiction of that Court, tho' some call it an Inferior Court; no, not even after the Defendant has pleaded to its Jurisdiction, and his Plea is disallowed; for that Court has Cognizance of all Pleas, *Felony, Mayhem and Freehold* excepted. *Fitzherbert's Nat. Brevium.*

Hil. Term,
1712.

Charles Aldrich, Student of *Christ-Church* College in *Oxon.* and Executor of the last Will and Testament of *Dr. Henry Aldrich* the late Dean, preferr'd a Bill in the Court of Chancery against *Dr. William Stratford*, a Canon of *Christ-Church*, to discover upon Oath certain Matters contained in the said Bill; the Chancellor of the University claimed the Cognizance of the Matter, as appertaining to the Jurisdiction of the University: Whereupon a Question arose touching the same, *viz.* Whether the University Court was a Court of Equity? Which after many solemn Debates and Learned Arguments on both Sides, on several Days Hearing, was determin'd by the Lord Chancellor's Decree in favour of the University, and the Plaintiff's Bill was dismissed: for altho' a Court of Equity cannot be erected by Royal Charter, yet it may be well establish'd by Prescription and Act of Parliament in

Term. Pasch.
1713.

in confirmation of such Prescription, which is the Case of this University; and thereupon was the said *Charles Aldrich* remanded to the said Chancellor's Court to be punish'd for his Demerits in violating the Privileges of the University, by the Court of Chancery's dissolving the Injunction, peremptorily issued to the Chancellor's Court.

In the Year 1709. the Canonry of Dr. *Benj. Woodroff*, then Canon of *Christ-Church* aforesaid, was sequestred by a Decree of the University-Court, for his Contumacy in not appearing to an Action of Debt brought in this Court by *Edward Foulks* and *Robert Hyde*, Plaintiffs; and upon the Service of a Monition or Order of this Court on the Treasurer of *Christ-Church*, and a Warrant to arrest the said Treasurer for his Contempt of this Order, an Injunction was decreed by Chancery, on a Bill of Interpleader, to the said Chancellor's Decree: Whereupon a Claim of Privilege was made by the Chancellor; but without any Warrant of Attorney, which ought to have been filed; yet on good Advice, the Treasurer submitted, &c.

Ejectione firma. On a Lease of a Messuage in Oxon. the Defendant being Principal of *Gloucester-Hall*, pretended, that he being a Scholar in *Oxford*, and a privileged Person, ought to be sued before the Vice-Chancellor there *secundum morem Universitatis*, i. e. according to the Course of Proceedings there, and according to the Charters granted to the University, and confirm'd by Parliament. Wherefore he pray'd, that there might be a Stay of the Proceedings in this Court, and shewed the Charters of the University, by which they had Cognizance of all Suits, Contracts, Covenants, and Quarrels (except concerning Freehold) and this

being a personal Action, they ought to have Cognizance thereof: And *Damport* for the University shewed an antient Precedent of this Court in the 22 *Edw. I.* where a Plea of Covenant was brought in the Court of the Vice-Chancellor of the University of *Oxford*, by reason of a Contract, made before that Time, wherein it was granted unto them to have cognizance of all Actions personal and Contracts; and this Covenant in question was, that he should enjoy such a House in *Oxford* for a Year; and because this Court of the *Common Pleas* had granted a Prohibition to stay the Proceedings in the said Suit, being began in the *Court Christian* before the Vice-Chancellor: The Record mentioned, that upon the shewing of this Charter, it appearing the Action was brought only upon the Contract, and *pro Domibus*, therefore a Consultation was granted: And so it was prayed here, because this Action was but personal, that they might have cognizance thereof; but all the Court deny'd it, and affirmed, that the Vice-Chancellor had not any Jurisdiction, nor might he hold Plea thereof; for in this Action he shall recover Possession, and shall have an *Habere facias possessionem*, and thereby he that hath a Freehold may be put out of possession: and it is not like to the Record shewn; for there it is only an Action of Covenant, wherein the Plaintiff shall recover Damages, and therefore a Reason to grant a *Procedendo* there; but here he shall recover Possession, and therefore by their own Rules they ought not to hold cognizance, nor to have a Liberty to proceed in this Case. *Note*, that by this antient Record it appears, what are the Privileges of the University, and the Jurisdiction of this Court, to grant a Prohibition, where they proceed in

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Court Christian, in prejudice of the Common Law, without resorting to the Chancery. *Hal-* Crok. Rep. Part 3. p. 62.
ley's Case.

Tho. Wilcocks, Master of Arts of *St. Mary-Hall* in Oxford, was sued in the Chancellor's Court by *Anne*, Wife of *Ralph Bradwell*, and *Christian* her Daughter, for calling the Wife *Bawd* and *Old Bawd*, and the Daughter *Whore*, and *Scurvy pocky-fac'd Whore*. And they obtain'd two Sentences against *Wilcocks*, and upon them he procur'd two Prohibitions: and *Davenport* moved for a *Procedendo*, for that by their Charter, which was confirmed by Parliament, the Chancellor or his Deputy shall have cognizance of all Causes personal, wherein one of the Parties is a Scholar; and the Charter was shewn in Court, which was to this purpose, *viz.* That they should hold Pleas, &c. either *secundum morem Universitatis*, or *secundum legem terra*; and the Custom was to proceed according to the Method of the *Civil Law*. And it was resolved, *first*, That this Charter deprives the Subject of his Liberty and Privilege of Trial: In a *Corpus cum causâ* to the Chancellor of Oxford, it was certify'd, that the Prisoner *pro extensione detentus fuit & convictus*; and an Exception was taken, because that he should have been *indicted* and *convicted*; and it was answer'd, that it was *Mos Universitatis*. And by *Hutton* it was said, that Custom was intended to be by Prescription, and so the Charter being confirmed by Act of Parliament, it was as good. *2dly*, That there is a good Cause of Action in the Chancellor's Court; for *Wilcocks*, who is one of the Parties, is a Scholar, and the Charter was given only for the Ease of Scholars, that their Studies might not be interrupted by Suits in other Courts; but then he ought to be a Scho-

Scholar Resident in the University at the Time of the Suit commenced there; and he ought to be only one of the Parties, and for that if another be joined with him, he shall not have the Privilege and Benefit of the Charter, as it is 14 H. 4. 21. and by *Richardson* Chief Justice, that is not a Privilege, which may be waved; for every Person may *recusare jura introducta pro se*. But that it was an Exempt Jurisdiction, and differs where the Privilege goes to the Person, as if a Clerk in this Court will sue in another Court, or suffer himself to be sued, that is a Waver of the Privilege. 3dly, That a *Procedendo* shall not be granted, because the Charter is not pleaded, for the Judges give Judgment of the Record, and the Cause of their Judgment ought to appear by pleading of the Record: And in the Case of a Prohibition, it is not like the Case of the 35 H. 6. 24. where it is allowed one time by Charter shewn, and another time without Demand, or shewing Charter. But Justice *Telverton* to the contrary, that it might be remanded upon pleading of the Charter; and he said, that there was a Difference, where the Suggestion was upon Matter of Fact, as Prescription, &c. for where an Issue may be taken, there it ought to be pleaded in Writing. Upon the whole, Cognizance was allowed to the University, and a *Procedendo* awarded.

Upon the Answer of the *Civilians* of *Doctors-Commons*, who were most of them herein consulted, a Convocation was held on the 10th of April, 1594. and a Decree made and publish'd by the Delegates to the following Effect, viz. ' That forasmuch as in the Yearly Election of ' Proctors it has been often question'd, who ' those are, whom the Statute made in this behalf declares *abijisse cum Pannis*, by which

' means

means great Contests have arose among the University Members: Therefore for the future preventing of the same, it was interpreted, declared and ordained, That such Persons should be adjudged to have left the University *cum Pannis*, who have not been resident within the same for the Space of six Months immediately preceding such Election, retaining no Chamber, or Part of a Chamber, with their Books and other Scholastick Utensils, at their proper Costs and Charges, and not paying University Dues, publick and private. Provided nevertheless, that if any one shall, after the said Time of six Months, come to the University, *studendi causâ*, then before he be admitted to give a Vote in such Election, he takes an Oath before the Vice-Chancellor and Proctors, that he comes *bonâ fide* to the University for the sake of Study, with an Intent of keeping four Months Residence therein (at least) after such an Election, else he shall be utterly excluded the Number of Suffragants. But this shall in no wise extend to Fellows and Chaplains of Colleges, nor to those who maintain a Family within the Precincts of the University. And by this reasonable Interpretation the University is at present governed in most Cases, relating to valid Suffrages, in Convocation and Congregation. This Interpretation was made in pursuance of a Law or Statute enacted in the Year 1513. on a Dispute about the Choice of a Proctor, occasioned by Masters giving Voices, who had left the University, or (at least) had not been therein resident for the greater Part of the Year: Whereupon, it was decreed and ordained, That no one should hereafter give any Vote in the Election of a Proctor, if he had before left the University.

University, unless he took an Oath to be resident in the University for the greater part of the Year following, and observed all the aforesaid Conditions of Voting : And this Explanation I have thought fit to insert here, because it was omitted in its more proper Place.

Upon a Bill in *Equity* as *Debtor* and *Accountant* against a Person, who has the Privilege of the University of *Oxford*, the *Defendant* pleaded his Privilege, and a Copy of their Charter of Exemption was shewn, which exempts them from the Justices of the *one* Bench and the other; and from the Chancery ; but not a Word of the Exchequer : Wherefore the Court was of an Opinion, that the Defendant ought to answer over, *Nisi &c.* and it sufficed for the Plaintiff to call himself *Debtor* and *Accountant*, without more.

Afterwards, in *Michaelmas* Term, the Lord Chief Baron delivered the Opinion of the Court, That the Defendant ought not to be allowed the Privilege of the University : He said, Sir *Rich. Moor*, one of the Masters of Chancery, was sued here by a Bill as *Debtor* and *Accountant*, and was not allowed his Privilege : He cited likewise the Earl of *Darby's* Case against a Register in Chancery, in which Case the Register was deny'd the Privilege of the Court, and that the general Privilege of a Person, as a Member of the University, or a Clerk in Chancery, does not toll the particular Privilege of this Court : Also that an Accountant has a more particular Interest in his Privilege than a Debtor; altho' his Debt may be taken in Execution for the King, and the King may have Execution upon a Judgment obtain'd at the Suit of his Debtor; because by the 1 *Rich* 3. chap. 13. an Accountant is not suable elsewhere ; and here the

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Privilege of Exemption granted to the University has not these Words, *Licet tangat nos. Vide Cro. Rep. p. 73.* Wherefore the Defendant's Privilege was disallowed. *Hardres Rep. p. 188. in Scaccario 13 Car. 2. Wilkins vers. Shalcroft.*

If the original Cause, upon which any Process is founded in the Chancellor's Court of the University of Oxford, be a Matter whereof that Court has no Jurisdiction or Cognizance, a Refcous in such a Cause cannot be a Contempt. Adjudged in the Case of *Twicrofs* against *Oliver.* Hil. Termino 21 Jac. 1.

If a Man be excommunicated before the Chancellor of the University of Oxford, &c. and the Chancellor doth certify this Excommunication into the Chancery, &c. upon the same Certificate the King shall direct a *significavit* unto the Sheriff, to apprehend the Party, and the Writ shall be such: *Quum Nos de gratia nostra speciali concesserimus, quod Cancellarius Universitatis Oxon. qui pro tempore fuerit, per Literas suas Patentes Cancellario nostro Anglia pro tempore existenti significare possit & certificare de Nominibus singulorum de jurisdictione prefati Cancellarii Oxon. qui majoris Excommunicationis vinculo fuerint innodati, & quod dicto Cancellario nostro Brevia nostra fieri & sub magno Sigillo nostro consignari fac. pro captione eorum qui sic per dictum Cancellarium Oxon. fuerunt excommunicati, & per quadraginta dies perseveraverunt in ead. ad significationem sive certificationem ipsius Cancellarii Oxon. supradicti, prout in Literis nostris Patentibus inde confectis plenius inde continetur; ac Joh. E. Cancellario Universitatis predicta, &c. per Literas suas, &c. quod W. de B. &c. sua jurisdictionis propter suam, &c. as in the Writ.* And it seems that the University of Cambridge has the like Privilege. *Fitz. de Nat. Brev. 64.*

In

In *Michaelmas-Term*, the 8th of *Henry the Fourth*, *Rot. 72. coram Rege*, when the Chancellor of the University of *Oxford* proceeded according to the Rule of the *Civil Law* in a Cause of Debt, the Judgment was afterwards reversed in the *King's-Bench*, wherein the principal Error assign'd was, because they proceeded according to the Course and Method of the *Civil Law*, *ubi quilibet Ligens Domini Regis Regni sui Anglia in quibuscunq; placitis & querelis infra hoc Regnum Anglia, factis & emergentibus de jure tractari debet per communem legem Anglia*; and altho' King *Henry the Eighth*, in the 14th Year of his Reign, granted to the University a liberal Charter, enabling them to proceed according to the Use and Custom of the University, *viz.* by a Course very much conformable to the *Civil Law*, yet that Charter (in my Lord Chief Justice *Hale's* Opinion) had not been sufficient to have warranted such Proceedings without the Help of an Act of Parliament: And therefore, in the 13th Year of Queen *Elizabeth's* Reign, an Act passed, whereby that Charter was in effect Enacted; and 'tis thereby that at this Day they have a kind of *Civil Law* Procedure, even in Matters which are of themselves of *Common Law* Cognizance, where either of the Parties to the Suit are privileged. See the *History and Analysis of the Common Law*, p. 34.

Term. Pasc.
32 Car. 2.
Ban. Com.

A Prohibition was prayed to the Chancellor's Court of the University of *Oxford* in the Behalf of *Dodwell*, who, being a Townsman of *Oxford*, was libelled against in the said Court upon a Statute, or a By-Law of the University, made in King *James the First's* time, That whatsoever Person privileged, or not privileged, should be taken walking in the Streets at Nine of the Clock at Night, or after, having no reasonable

Excuse

Excuse to be allow'd by the Proctors, &c. should forfeit 40 Shillings, &c. whereof one Moiety was to the University, and the other to the Proctor, &c. that should take him: And that *Dodwell* was taken walking abroad at that Hour, and being demanded a Reason thereof, he refused to give any Account, & in *Causâ Contemptus & ad morum Reformationem*, this Libel was exhibited. The Prohibition was mov'd for the last Term; but in regard the Court observ'd, That it touch'd the Jurisdiction on the one Hand, and concern'd the Rights and Liberties of the Townsmen on the other Hand, they deferred the granting of it until they should hear Council on both Sides, which was appointed this Term. And now sundry ancient Charters were shewn, by which there was granted to the University a Jurisdiction, *tam in Laicos quam in alios*, and a By-Law made above 200 Years since against *Night-walking*, with the Penalty of 40 Shillings upon the Offender, and Precedents of Proceeding thereupon in the Chancellor's Court; and that they were as well Guardians of the Peace by Prescription, as by Charter. And an Act of Parliament of the 13th of *Elizabeth*, was shewn, whereby their Jurisdiction and Privileges and Statutes were confirm'd: And altho' the Mayor hath also a Commission of the Peace, yet it is subordinate, and he swears Fealty to the Chancellor.

Curia. This Libel is grounded on a By-Law of the 7th of King *James*, and being subsequent to that Statute of the 13th of *Elizabeth*, it is questionable whether warranted by it or no. This *By-Law* and *Proceeding* cannot be grounded nor derive Authority from their being Guardians of the Peace by Prescription, as it seems they are by 9 H. 6. fol. 44. for without Act of Par-

Parliament, or exprefs Prescription, a Corporation cannot make a By-Law to bind those which are not of the Body. *Justices* of the *Peace* cannot ordain a *Penalty* for a Crime without their Jurisdiction, and the Proceeding in the Chancellor's Court, which is according to the Civil Law, cannot be warranted by the King's Charter. For no Court, other than such as proceed according to Law, can be, unless by Prescription, or Act of Parliament; wherefore in regard, if the University should intitle themselves to this Jurisdiction by Prescription, it were properly triable by a Jury: And if upon the Act of the 13th of *Elizabeth*, a Matter of Law might arise how far the Act might extend.

North Chief Justice, *Atkins* and *Scroggs* thought it was not fit they should determine those Questions upon a Motion; but inclin'd to grant the Prohibition, and propounded to the Parties to agree that the Libel should be amended where it was grounded upon the By-Law made 7 *Jac.* which being subsequent to the Act of the 13th of *Elizabeth*, the Merits of the Cause would not be brought before themselves to determine the grand Points, which was agreed to. And then the Court said, That they would grant a Prohibition, and let the other Plead, &c. For *North* said, That they did often deny a Prohibition, tho' it were a Writ *ex debito Justitia*, where they saw no Colour for it: But if any material Questions were like to arise, it was proper to grant it, and not to determine them upon Motion, but upon Pleading to the Prohibition, and therein it differ'd from a *Habeas Corpus*, which was to be instantly granted, because the Party is in Prison; but there is no such speed requisite in a Prohibition.

But

But *Wyndham* was against the Prohibition in the Case at Bar; for he took it, that the By-Law (7 Jac.) was but in Confirmation of that made before, and as a Renewing of it, which he took to be confirm'd by the Act of 13 *Eliz.* *Nota, Scroggs* said, That *Nine* of the *Clock* could not be held such an Hour, as it should be a Crime for a Townsman to walk at, no more than Three in the Afternoon; tho' for Scholars it might be reasonable to restrain them; but no reason that Townsmen should be subject to such Rules as were proper for Scholars: And upon this he much grounded his Opinion for a *Prohibition*.

The Arch-Bishop of *Canterbury* claiming a Right, *jure Metropolitico*, of visiting the Universities of *Oxford* and *Cambridge*, and they insisting that this Power of Visitation was in the King alone, as their King and Founder; the Cause came to be heard *June 21.* before the King and Council: The Arch-Bishop, standing at the King's Right-Hand, said, He having claim'd by Letters to visit them as within his Province, they answer'd, That they should wrong themselves, if they submitted thereunto, without a Command from his Majesty; whereupon he desir'd his Majesty to hear the Cause. The Earl of *Holland*, Chancellor of the University of *Cambridge*, standing at the King's Left-Hand, said, That he hoped, that the University of *Cambridge* should not lose their Privilege of being visited by his Majesty only, and by those in Commission under him, as being exempt from the Jurisdiction of all Arch-Bishops and Bishops. The King's Attorney-General, arguing for the Arch-Bishop, said, That the Arch-Bishop's visiting the Universities, as within his Province, intrench'd not on his Majesty's Pre-

rogative, who notwithstanding might visit by Commission, as Supream Ordinary. The Arch-Bishop of *Common Right* may visit the Clergy and People in all Causes Ecclesiastical, and in all Places within his Province. By the Statute of the 21 *Henry* 8. it appears, that he may visit Colleges; and by another Statute, that he may reform and punish in all Places Exempt or not Exempt. By a Statute of Queen *Elizabeth*, the Arch-Bishop is to take care and see, that the Doctrine of the Church of *England* be maintain'd and observed. In the Times of *Edward* the 3d, *Richard* the 2d, and *Edward* the 4th, he visited the Universities in his *Metropolitcal* Right, and not by any Bull obtained from the Pope; and there is as great a Necessity now as ever, for there may be Chappels in *Cambridge*, which were never consecrated: And in the Ecclesiastical Laws of King *Henry* the 8th and King *Edward* the 6th, there appears, that there should be no Exemption of Colleges. Sir *John Lamb* seconded Mr. Attorney, and said, that the Arch-Bishop's Visitation of the Universities being of *Common Right*, as Parts of his Province, the University ought to prove their Exemption; that in Causes in the Universities they had for many Hundred Years appealed to the Arch-Bishop, which he would shew by Records. The King commanding the Universities to shew their Exemption, Mr. *Gardiner*, Recorder of *London*, spake for the University of *Cambridge*, and said, That the Question was, whether his Majesty had the sole Power of Visiting, or the Arch-Bishop a concurrent Power. No (said the King) 'tis whether he has not Power to visit there, as within his Province? The Recorder then thus proceeded: In *England* Arch-Bishops, Bishops and Arch-Deacons visit; the Bishops once in three

three Years, the Arch-Bishop once in his Time. *Here the Arch-Bishop interposing, said, That he might visit as often as he pleased:* But the Recorder went on, and said, that in the University there are a Chancellor, Vice-Chancellor, Proctors, &c. who may proceed by Excommunication, Banishment and Incarceration, which is more than appertains to a *Metropolitcal* Visitation. Once a Bishop of *Ely* excommunicated one of the Members of the University of *Cambridge*; but the Bishop was excommunicated, and made to submit himself: and farther than this, there is no Precedent that the Bishop did ever intermeddle. In the Petition of the University of *Cambridge* to the Parliament, this University is stiled an University founded by his Majesty's Progenitors; which intitles the King to the Power of Visitation, and is an Exemption from *Ordinary* Jurisdiction; for other Exemptions they have Bulls from the Pope, and Charters. In *Richard* the 2d's Reign most of the Charters were burnt in an Insurrection there; but in *Henry* the 6th's Time many of them were confirmed upon a Suit to the Pope, and a Commission; whereupon Witnesses were examin'd, and two antient Bulls were then discover'd for exempting them from *Metropolitcal* Visitation; the one transmitted in the Year 624, and the other in the Year 699. The Arch-Bishop reply'd, that these Exemptions were not to be found in any Pories or Nunneries at their first Foundation; but when they got any Money, they sent to *Rome* for an Exemption. The King said upon this Occasion, that the Pope doth as much to bear down Bishops, as any Puritan in *England*. In the close, the Arch-Bishop complained, that there were three Chappels in *Cambridge* never consecrated; but Dr. Chad-

derton told him, that they were consecrated by Faith and a good Conscience: Besides, the Students come into the Chappel without their Surplices, &c. and other Dangers were growing in Religion. The Earl of *Holland* offering, that all this might be reformed by the King's Commission to visit, which the Arch-Bishop might have; No (said the Arch-Bishop) I desire to visit by my own Power. Upon the Hearing, the King with the Advice of his Privy Council declared, That the Arch-Bishop might *jure Metropolitico* visit his whole Province, within which the Universities are situate; and that they could not be exempted by any *Papal* Bull, and they were not exempted by *Royal* Charter; that a long Omission to visit could not bar the *Metropolitan* Right, whereby (and not by a *Legatine* Power) the Universities had been visited by the Arch-Bishops thrice; and upon Resistance made by *Oxford*, it was adjudged by King *Richard* the 2^d and *Henry* the 4th for the Arch-Bishops, and these Judgments were afterwards confirmed in Parliament by the 13th of *Henry* the 4th. And the Arch-Bishop produced before his Majesty the original Renunciation under the Hands of the Heads of Houses in *Cambridge*, of all Bulls and other Privileges granted by Popes, dated 27 *Hen. VIII.* And so the King adjudged it for the Arch-Bishop against himself. The Arch-Bishop then moved his Majesty, that he might have this Sentence under the Broad Seal; and that the two Universities might be exempt from the Visitation and Jurisdiction of the Bishop and Arch-Deacon: And that notwithstanding the Custom of visiting *semel in vitâ tantum* Metropolitically, he might visit as often as any emergent Cause shou'd move him, if first made known to his Majesty. All which the

the King granted, and declared, that at such a Visitation the Chancellor need not appear in Person, but shou'd be allow'd his Proctor. Serjeant *Thynn* spoke for the University of *Oxford*, which (he said) was a Foundation long before the Conquest, and never had any Visitation by an Arch-Bishop; so that this University might prescribe to this Exemption: But the King telling him that a bare Prescription would not do it, he reply'd, That tho' they had no Records, so antient, yet that they had divers Recitals in King *Edward* the 3^d's Time, which plainly shew, that they had some original Grant of Exemption. Pope *Boniface* the 8th granted to *Oxford* an Exemption from Archiepiscopal and Episcopal Jurisdiction. It is true, this Matter coming before King *Richard* the 2^d, the King declared, that this Visitation did belong to the Arch-Bishop; but this Sentence was grounded on the King's being misinformed of the Law, and the Arch-Bishop then was a very potent *Arundell*. Man, and this was only an Attempt to visit; but neither he nor any other Arch-Bishop ever visited *Metropolitically*; nor was there ever an Appeal in any Cause from that University to the Arch-Bishop. The Arch-Bishop declared, that he did not intend to meddle with any College Statute, nor with those of the University, nor with the particular Visitors of any College; but *Metropolitically* to visit the Body of the University, and every Scholar in it, for his Obedience to the Doctrine and Discipline of the Church of *England*. He said, that the Exemptions of Monasteries, &c. were gained of the Pope for Money to bring down the Jurisdictions of Bishops, and the Council of *Trent* and the *Spanish* Bishops play'd their Part therein: And as for the Popes, &c. they were all gone at one Blow,

Blow, by the Statute of *Hen. 8th.* And he said, that he would shew a Bond of 1000 *l.* (as well as the Deed of Renunciation before mentioned) from the University of *Cambridge*, not to oppose his Jurisdiction: That *Anno 1506.* *Christ's College* was subject to the Bishop's Visitation as Ordinary: That the Arch-Bishop visited *Cambridge* in his *Metropolitical* Right for three whole Years together. To which the Recorder reply'd, That that was from the Year 1401 to the Year 1404. in very troublesome Times, but that the like had never been offer'd since. Sir *John Banks*, Attorney-General, argued, that the Bulls, which the University insisted on, were of no Validity; for in the Statute of the 28th of *Henry the 8th*, there is a saving only of some few, which were confirmed under the Great Seal of *England*, and they shew no such here. They object, that the Arch-Bishop has no *Metropolitical* Visitation, for that the University is of the King's Foundation; whereas the Deanery of *Wells* was dissolved, and founded anew by King *Edward the 6th*; and yet it was adjudged, that the Arch-Bishop may *Metropolitically* visit the said Deanery; and as for Prescription, it lies not against a *Metropolitical* Visitation. And it being objected that *Peckham* visited the Universities not *Metropolitically*, but as *Legatus natus*; Dr. *Duck* answered, That *Legatus natus* hath only a Power to grant a Visitation, but not to visit *Metropolitically*; and a Difference was taken between the Power of a *Legate born*, and a *Legate à Latere*; for the one may visit, and the other not. And the Arch-Bishop said, that Arch-Bishop *Arundell* was banished for bringing in a *Papal Bull*; it being usual, even in the Times of *Edward the 1st* and *Edward the 3d*, to send forth Proclamations against them who did so.

so. He said, that altho' what was done in *Richard* the 2d's Reign, was done in a troublesome Time; yet King *Henry* the 4th pronounced the same Judgment, viz. That the Arch-Bishop had a Right to visit the University, which was confirm'd by Act of Parliament. But the Recorder answer'd, that this Act of Parliament concerned not *Cambridge*, but *Oxford* only, which had obtained an exorbitant Bull from the Pope to countenance Hereticks and other Malefactors, and had opposed the Arch-Bishop *manu forti*; which occasion'd that Submission to the Judgment of *Richard* the 2d, upon which *Henry* the 4th grounded his Judgment afterwards, viz. That the Arch-Bishop of Right should visit; and thus this King disannulled the Bull. Here the Lord Privy Seal interposed, that there were Grants of later Kings, which confirm to the Universities such Privileges as they claim by any Charter or Bull: But the King adjudged it for the Arch-Bishop against *Oxford*, as he had done before against *Cambridge*.

It is allowed, that the Arch-Bishop has Power to visit the two Universities *Metropolitically*, in Matters relating to the Doctrine and Discipline of the Church of *England*, as for *Heresy* and *Schism*, but not for other Crimes; and if he should attempt the same, he might be opposed: For altho' the King adjudged this Point in favour of the Arch-Bishop, yet such Judgment was contrary to Law, and grounded on the Advice of evil Counsellors, who surrounded the Princes Throne, and poison'd his Ear with the crude Notions of Arbitrary Power for many Years together: Besides, he was herein much governed by the Respect which he had for Arch-Bishop *Laud*, who grasped at a large

Power, and knew how to make use of it with as much Sway and Command, as any Prelate upon Earth. It is to be observed, that between *Arundell* and *Laud* there had been 13 Arch-Bishops, among whom there was not any besides Cardinal *Pole* (who visited the University by his Legatine Authority) who pretended to revive their Title to a *Metropolitica* Visitation, or a *Legatine* Jurisdiction: And it is easy to imagine for what Reasons this Arch-Bishop attempted this new Piece of spiritual Lordship over the Universities, being a great Lover of all kind of Power.

The ensuing Orders were publish'd by the Queen under the Great Seal of *England*, on the 4th of *July*, in the Year 1574. and afterwards being transmitted, were publish'd at *Oxford* on the 19th Day of *May*, in the Year 1575.

Reg. K. fol.
192, & 197.

E *Lizabetha Dei gratiâ Angliæ, Franciæ & Hiberniæ Regina, fidei Defensor, &c. Omnibus ad quos præsentæ literæ pervenerint, Salutem. Inspeximus irrotulamentum cujusdam Warranti nostri gerentis datum apud Greenwich decimo septimo die Maii ultimè præterito, perdilecto & fideli Consiliario nostro Nicolao Bacon Militi, Custodi Magni Sigilli nostri Angliæ, confecti, & in Rotulis Cancellariæ nostræ irrotulati, in hac verba, viz. Elizabeth by the Grace of God Queen of England, France, and Ireland, Defender of the Faith, &c. To our Right Trusty and Well-beloved Counsellor, Sir Nicholas Bacon, Knight, Keeper of the Great Seal of England, greeting. Where-*

as

as we have been inform'd, that heretofore there have been divers Controversies, Debates and Strifes between the Vice-Chancellor, Masters and Scholars of our University of *Oxford*, and the Mayor, Bailiffs and Burgeses of our Town of *Oxford* aforesaid, wherein our Privy Council having sundry times heard the Allegations of both Parties, and their learned Counsel, and taken the Advice of *Roger Manwood* and *Robert Monson*, two of our Justices of *Common Pleas*, and our Attorney and Sollicitor General, have with good Deliberation made certain Orders, agreeing with Law and Equity, and to be practis'd by both Parties accordingly. To the intent that the said good Order may ensue and continue hereafter to the more Quietness, and better Preservation of Justice; we do herewith send unto you the said Orders contain'd in a Schedule, subscrib'd with the Hands of our said Council, which at the humble Intercession of our Right Trusty and Well-beloved Cousin and Counsellor, the Earl of *Leicester*, Chancellor of our said University, our Will and Pleasure is, and so we require you, to cause to be entred and enroll'd in our Chancery, to remain in Record, and to be us'd and exemplify'd hereafter under our Great Seal, for the Benefit of the Chancellor, Masters and Scholars of our said University, or any others, as the Case shall require, and these our Letters shall be your sufficient Warrant in this behalf. Yeoven under our Signet at our Mannor of *Greenwich*, the seventeenth Day of *May*, 1575. in the seventeenth Year of our Reign. *Per ipsam Reginam, &c. & Warrantum inde remanet in custodia prædicti Custodis Magni Sigilli. Inspeximus etiam Irrotulamentum quarundam Ordinationum virtute Warranti prædicti in rotulo Cancellaria nostra prædictæ,*

dicta, irrotulat. in hac verba, viz. Whereas heretofore there have been divers Controversies, Debates and Strifes between the Vice-Chancellor, Masters and Scholars of the University of *Oxford* on the one side, and the Mayor, Aldermen and Commons of the said City on the other side, touching the Use and Exercise of sundry Charters and Privileges, alledged by both Parties, for the Maintenance of such Liberties, and other things, as were claimed by them. Whereupon did and was daily more and more like to ensue great Disquietness in the said University and Town, not meet to be suffer'd : Wherefore upon the Repair hither of Mr. *D. Humphrey*, Vice-Chancellor, and certain other Officers of the said University, and *Rog. Taylour*, Mayor, with some of the Aldermen, and the Recorder, Town-Clerk and Burgeesses of the said City of *Oxford*, their Lordships thought it convenient to move both Parties to submit the Hearing of the Causes of their Controversies in Law, to grave and indifferent Men, learned in the Laws of the Realm : Whereupon both Parties did assent, that all and singular the said Controversies and Debates, should be committed to the Hearing, Report and Consideration of *Rog. Manwood* and *Rob. Monson*, two of the Justices of the Common Pleas, *Gilbert Gerard* and *Tho. Bromley*, her Majesty's Attorney and Sollicitor General ; who by Order of their Lordships sundry Times called before them both Parties, and thereupon the said four Commissioners set in Writing their Opinions concerning the said Controversies, as agreeable with Law and Justice ; and afterwards their Lordships, having had at their several Times of Meeting the said Vice-Chancellor, and Officers of the University, with their learned Counsel, whereof the one Time was at the

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Star-Chamber, and the Mayor, Aldermen, Recorder and Town-Clerk, of the said City, before them, with their learned Counsel at the same Time and Place, where the Lord Keeper of the Great Seal of *England*, and some others of the Privy-Council, besides these above-mentioned were present, and with Deliberation considered not only the Report of the said Committees exhibited in Writing, but also particularly in the Presence of the said Committees, and all the Parties, heard the Circumstances of the whole Matter, Claims, Answers and Replies, on both sides, what each Party could alledge, and so with great and advis'd Deliberation, their Lordships have, according to Right and Equity, for the Benefit and Quiet both of the said University and City, Places necessary to be ordered always by the Order and Authority of the Privy Council, thought convenient and necessary to have these Orders following set down, to be inviolably hereafter observed by both; and upon the Return of the said Vice-Chancellor and Mayor, within 14 Days to be publish'd and notified by them in the common Places of the Assemblies of the said University, to be by them appointed and called together for that Purpose; as in like solemn Acts hath been heretofore accustomed, as Orders enjoin'd unto them from their Lordships, in the Queen's Majesty's Name, and there to be registred in the common Book of the said University and City, to remain as a perpetual Memory and Record of such Orders between them, as followeth.

Imprimis, Whereas the said University de-
mandeth of the said City the Sum of 1500 The Arreava-
ges of 1500
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by the said City for a Memorial or Pennance of a Slaughter committed by their Predecessors in a Conflict against the University; and for Payment whereof their Predecessors stand bound to the said University by their Deed obligatory, bearing Date the 15th Day of *May*, in the 21st Year of the Reign of *K. Edward III. of England*, and the 18th Year of his Reign of *France, &c.* now due and unpaid, as the said University alledgeth, for 15 Years now last past. For so much as the said City hath shewed unto us the said Committees, a Defeazance of the said Bond from the said University, bearing Date about the same Time, whereby the said University did then grant and agree, that if the Mayor and Burgeffes of the said City procur'd Mass to be said yearly, and at the same time did offer for the Souls of them that were slain in the said Conflict, that then the Grant or Bond of 100 Marks yearly should be void, for such and so many Years only, and for no more, wherein the said Mass and Offering was and should be procured and performed accordingly: And for that the said Condition is now and by the Space of the said 15 Years last past hath been against Law, so that the said City could not, nor may lawfully perform the same *verbatim*, according to the said Defeazance. It is therefore thought good and reasonable, and so ordered, that the said City, performing the true Meaning of all things hereafter mentioned, on their Part to be perform'd, should be discharged of the said Arrearages. And because the true Intent of the said Bond was principally to continue a perpetual Memory of the said Slaughter and Misdemeanor committed by the said City, to their Terror for so doing, or attempting the like: It is likewise thought reasonable

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sonable and convenient by their Lordships, that the said Mayor and Burgeffes of the said City shall cause yearly a Communion or Sermon to be made in St. Mary's Church there, on the Day mentioned in the said Defeazance, and then and there, with such Number of the City as in the said Bond or Defeazance are mentioned, make their Oblation yearly of a Penny a-piece (at the least) to the said University, for a perpetual Memory or Remembrance of the said Slaughter or Misdemeanor by them committed, as aforesaid, and not for the Souls of the Parties then slain, or for any other superstitious Use.

2. *Item*, Whereas by Letters Patents of King *Post-Horses*. Henry VIII. bearing Date the first Day of *Apr.* in the 14th Year of his Reign, it is granted to the said University, that neither the Horses of the Chancellor or Scholars of the said University, nor of their Servants, nor of the Servants of the said University, should be taken for *Post-Horses* or other Purposes, against their Will. And they complain that the Citizens of the said City have taken the Horses of divers Scholars and privileged Persons, contrary to the said Charter, and true Meaning thereof: It is thought reasonable and agreeable to Law and Equity, and therefore order'd, that the said University shall enjoy the Benefit of the said Charter touching the same; and that neither the said Citizens, nor any of them, should by any Colour, at any Time hereafter, take the Horses of any Scholars or Persons privileged of the said University, without the Assent of the said University, or of the Chancellor or Vice-Chancellor thereof, or of the said Scholars or privileged Persons.

3. *Item*, Whereas the said University sheweth *Oath of the* again by the Charter, bearing Date the 27th *Mayor, &c.* Day

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Day of June, in the 52d Year of the Reign of K. Hen. 3. that whensoever the Mayor and Bailiffs of Oxford should take their Oath in the common Place of their Assembly, Warning should be given thereof to the Chancellor of the said University, by the Commonalty of the said City, that either he might be there, or appoint some other in his Place ; and that the said Mayor and Bailiffs should there take an Oath to observe and keep the Liberties and Customs of the said University. And whereas the said University now complain, that neither the Oath hath been taken, nor Warning given in Form aforesaid : And whereas the said City for answer hereto alledge, that they have not used to make any such Oath in their Common Place of Assembly, nor to give any such Warning ; but say, that they have used, upon Warning given to them by the University, to take the same Oath in the University Church there, with a *Saving* always of the Liberties of the City : It is thought reasonable and convenient, and so order'd, that the said Oath mentioned in the said Charter, shall be taken by the Mayor and Bailiffs, and others of the said City, chargeable by the said Charter thereunto, yearly from henceforth *verbatim*, according to the said Charter, before the Mayor's Entry into the Execution of his said Office, and without any *Saving* of the Liberties of the said City ; saving that, whereas the said Charter appoints it to be taken in the Common Place of Assembly of the said City : It is now thought good and hereby appointed to be taken and done in the said St. Mary's Church, for that Purpose lately accustom'd, adding only before these Words in the Oath, *Liberties and Customs of the University, &c.* this Word, *Lawful*, as ensueth, viz. *You shall swear, That truly you shall*

shall observe and keep all Manner of Lawful Liberties and Customs of the said University, which the Chancellor, Masters, and Scholars have reasonably used, without any Gain-saying, saving your Fidelity to the Queen's Majesty.

4. Item, That whereas K. Edw. III. by his Letters Patents, bearing Date the 12th Day of April, in the 10th Year of his Reign, did grant to the said University, that Men bringing Linen or Woollen Cloth to the Town of Oxford, or Suburbs thereof, might lawfully sell the same by Retail or Wholesale, to Scholars or others mention'd in the said Charter, at their Pleasure and Will, without Let or Disturbance of the Mayor, Bailiffs, or Burgeses of the said City : Contrary to which Grant the said University complains, that the said Mayor and Burgeses will not suffer poor Men bringing Woollen or Linen thither, to sell the same by Retail accordingly : Whereunto tho' the Answer of the said City is, that the said Grant made to the said University by the said Letters Patents, is contrary to their ancient Liberties, before that time to them granted and confirm'd by Letters Patents, and Acts of Parliament ; yet seeing their Allegation hath not been found to be sufficient, it is thought lawful and convenient, and ordered, that every Person bringing any Linen or Woollen Cloth to the said City of Oxford, may lawfully sell the same by Retail or Wholesale, to any Scholar or privileged Persons of the said University, or to any other in the said Charter licensed ; and that the said Scholars and privileged Persons, and others aforesaid, may lawfully buy the same, without Interruption of the said City, or any of them at all times hereafter.

5. Item, Whereas the said University, as well by Letters Patents of K. Henry VIII. bearing
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Date the first Day of *April*, in the 14th Year of his Reign, as also by a Composition between the said Town and University, in the Time of King *Edw. I.* claims Liberty and Freedom within the said City and Suburbs, for all Scholars, their Servants and Ministers, with their Families, and all other privileged Persons of the said University, to exercise any kind of Merchandize, and buy and sell things that be bought and sold within the same City and Suburbs openly and freely, and by Virtue of the said Grant, to be exonerated from all *Contributions, Concord, Payment or License*, for such Liberty; to be paid to the said Mayor, Aldermen, Bailiffs, or any Minister or Commonalty of the said Town; and complains that their said Liberty is interrupted and denied by the said Mayor and other of the said City, whereunto the said City answers in effect as before; *That the said Grant is contrary to their Liberties before that time to them granted*; which Allegation being not found sufficient; it is thought lawful and ordered, That all the Scholars, their Servants and Ministers, and all other the said Privileged Persons, should have and enjoy the Liberty and Freedom, above in this Article by them claimed, in such Manner and Form, and so clearly and freely, as by the Charter above in this Article rehearsed, is to the said University granted, the said privileged Persons *Tailliable with Scot, Lot, and other Charges*, as like Occupiers being Freemen of the said City, do, and ought lawfully to do for the said Merchandize.

6. *Item*, Whereas, as well by Charter of *K. Rich. II.* bearing Date the 15th Day of *July*, in the 14th Year of his Reign, as also by a former Charter of *K. Edw. I.* the Chancellor of the said University claims Cognizance of all Man-

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ner of Pleas Personal, as well of Debts, Accounts, and all other Contracts and Injuries, as Transgressions against the Peace, Misprisions, and all other Actions Personal, within the said City of *Oxford*, and the Suburbs thereof, and all other Places, within the Precincts of the said University, (Felony and Mayhem only excepted.) And whereas the said Chancellor and University by the said Charter, *Anno 14 H. 8.* confirm'd by Act of Parliament *Anno 13. Reg. Eliz.* claim to be Justices of the Peace, and to do all things thereunto appertaining, within the said City and University, when any Master, Scholar, Minister, or other privileged Person, is one of the Parties: And that no Justice nor Judge (in the Presence or Absence of the said King, and his Heirs) Sheriff, Mayor, or any Minister whatsoever, in such Pleas, shall intromit themselves, &c. but that the said Chancellor and his Successors, and their Commissaries or Lieutenants only, shall be corrected and punish'd in Form aforesaid: And complains, that of late sundry privileged Persons have been called before the Mayor and his Brethren, and sundry Processes awarded out, tending to the Out-lawry of them. Whereunto forasmuch as the City makes no sufficient Answer: It is thought lawful, convenient and necessary, and therefore ordered, that no Scholar or privileged Person, shall be sued or molested in the said City before any Judge or Justice there, but only in the Court of the University aforesaid: And that all Indictments, Out-lawries, and Proceedings against such Scholars and privileged Persons, contrary to the Charter above expressed, heretofore had, or hereafter to be had, are and shall be declar'd and taken as unlawful, unduly, and without Warrant proceeded in and done against them.

Item, Whereas the Chancellor of the said University claims by Prescription to keep Leets in the *Guild-hall* of the said City, and by the Letters Patents of K. *Henry VIII.* bearing Date the first Day of *April*, in the 14th Year of his Reign, that the said Chancellor, or his Deputy, at any Leet from thenceforth to be by them kept, within the Precincts of the said University, should make Precepts to the Ministers or Minister of the said University; and that they, or one of them, should have full Power and Authority from Time to Time, to return Precepts, Pannels and Attachments, before the Chancellor, Commissary, or his Deputy; and further to execute and do all and every Thing and Things, as the King's Ministers are wont and ought within the Realm of *England*, and all those Things which belong or ought to belong to the said Frank-Pledge; and complain, that when they should have kept their Leet, and executed other Points of their Privilege accordingly, the Mayor and Bailiffs shut the *Guild-hall* Door, and would not suffer them to enter, nor keep their Leet there, as was accustomed. In answer whereto, for that the said City denies not the Prescription and Charter aforesaid to keep the said Leet as is aforesaid; but say, that the Custom aforesaid is, that the Precepts for Returning of the Juries that should enquire in the said Leet, should be directed to the Bailiffs of the said City, and Estreats; saving for the Correction of the Assize of Bread, Wine, Ale, putrified Fish and Flesh, Regrators, Foretallers, &c. should be delivered to them, to be levied to the Use of the said City, and the Citizens not to be impanell'd with Foreigners, nor no Officer to execute any Process within the said City, other than the Bailiffs thereof; which, because the
said

said University would not allow, they would not let them enter into the *Guild-Hall*, as is aforesaid, as the said City alledge: But now, to the Intent that all Offences in the Leet may be the more effectually and indifferently presented and punish'd, it is thought convenient, and so ordered, that the said University shall keep their Leet in the *Guild-Hall* aforesaid, as hath been accustomed, and as in the said Charter is mentioned, *saving* they shall make two Precepts for summoning of two Juries to enquire therein, the one to the Officers of the University, the other to the Bailiffs of the City; and they are to return two several Juries to be severally sworn, and to make several Inquisitions there, and the Estreats and Amerciaments of such Leets to be gather'd by such Officers, and to such Use as heretofore hath been accustomed, without Interruption or Disturbance hereafter of the said City, or any other by their Means.

Item, Whereas, as well by Charter of King *Edw. 3.* bearing Date the 27th Day of June, in the 21st Year of his Reign, as by Act of Parliament made in the 12th Year of the Reign of *Edw. 4.* the Chancellor of the said University, his Commissary and Lieutenant, hath and ought to have wholly and solely the Custody of the Assize of Bread, Ale and Wine, together with the Punishment of all Offenders, and the Fines, Issues, and Commodities thereupon arising; yielding and paying therefore yearly in the Queen's Highnesses Court of Exchequer, as by the said Charter and Act of Parliament may appear. And further, whereas the *Brewers* of the City of *Oxford* have lately procur'd to themselves a pretended Charter of Incorporation or Society, and sundry new Laws and Ordinances touching the same, to the manifest Derogation

The City's pretended Corporation of Brewers abrogated.

of the Liberties of the said University; especially for that the Chancellor, by the Assent of the *Convocation*, hath Authority to make Societies or Corporations, namely, concerning Viſtuallers, and sundry others, as appears by the said Charter of K. *Hen.* 8. which said pretended Corporation or Society of the *Brewers*, newly devised, to the Disturbance of the Liberties of the University, is and hath been one of the chief and original Causes of this Variance and Strife, betwixt the University and City: It is thought convenient and necessary, and therefore ordered, that the said new Device of the Society of *Brewers*, concerning sundry new Laws and Ordinances, be brought in and cancelled before the Chancellor or his Commissary, without Delay, and declared from thenceforth to be void.

Item, Whereas the late Bailiffs of the said City disorderly did shut the *Guild-Hall* Door against the Commissary, Doctors, Proctors, and Regents of the University, they intending and coming thither to keep their Leet for the Queen's Majesty's Service, where the Chancellor and his Commissary always heretofore have kept their Leet. And also whereas in the late Time of Queen *Mary*, there was a Decree made by the Lords of the Council in the Star-Chamber, that in the like Affairs of the University, the *Guild-Hall* should be set open to the Chancellor or his Commissary, under the Pain of 200 *l.* It is thought good and order'd, that the same Decree and Custom be hereafter observed upon the Payment there limited. And for the Disorder lately committed, in not suffering the Commissary, and others aforesaid to keep the Leet in the said *Guild-Hall*, as they were accusom'd; their Lordships, upon Condition that the said
Mayor

Mayor and Bailiffs shall willingly and obediently observe all such Orders, as be here set down, do think convenient; that the said University do remit the said Forfeiture of 200 l. for this Time only; otherwise to be at Liberty to prosecute the said Pain according to the Law and Justice. All and singular which Orders, their Lordships will to be registred here, in the Book of Her Majesty's Privy-Council, and two Duplicates thereof to be sign'd by the Lords of the Council, and to be afterwards inserted among the Records of the said University, straitly willing and charging in Her Majesty's Name, all and singular Persons, as well of the University as City, to obey and observe the same humbly and dutifully, as they and every of them will upon Her Majesty's Indignation, and their own Perils, answer to the contrary.

N. Bacon, Custos Sigilli.

Nic. Bacon

Rob. Leisester

Will. Burleigh

Fran. Knollis

Tho. Suffex

James Crofts

Arundell

Tho. Smith,

Fran. Bedford

Fran. Walsingham



CHANCELLORS of the University of OXFORD.

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|------|------------------------------|------|------------------------------|
| 1233 | R alph Cole | 1283 | Roger de Rowell |
| 34 | Idem Cole | 84 | Idem Roger |
| 38 | Simon de Bovill | 85 | Harvey de Saham |
| 39 | John de Rigater | 86 | Idem Harvey |
| 1240 | Rich. de la Wyke | 87 | Idem Harvey |
| 44 | Simon de Bovill | 88 | Rob. de Winchelsey, |
| 46 | Gilb. de Biham, <i>A.M.</i> | | <i>A.M.</i> |
| 1252 | Ralph de Sempling- | 89 | Will. de Kingscote, |
| | ham | | <i>A.M.</i> |
| 53 | Idem Ralph, <i>A.M.</i> | 1290 | John de Ludlow, <i>A.M.</i> |
| 55 | Will. de Lodelawhe, | 91 | Sim. de Gaunt, <i>S.T.P.</i> |
| | <i>A.M.</i> | 92 | Idem Simon |
| 56 | Rich. de St. Agatha | 93 | Roger de Mortivalls, |
| 1262 | Tho. de Canteupe, | | <i>S.T.P.</i> |
| | <i>A.M.</i> | 94 | Roger de Weseham, |
| 67 | Nic. de Ewelme, <i>A.M.</i> | | <i>S.T.P.</i> |
| 68 | Idem Nicholas | 95 | Idem Roger |
| 69 | Tho Beke, <i>A.M.</i> | 96 | Idem Roger |
| 1270 | Will. de Bosco | 97 | Rich. de Clyve |
| 73 | Idem William | 98 | Idem Richard |
| 74 | Euface de Norman- | 99 | Idem Richard |
| | ville | 1300 | James de Cobeham |
| 1280 | H. de Stanton, <i>J.C.P.</i> | 01 | Idem James |
| 81 | Idem Henry | 02 | Idem James |
| 82 | Will. de Momtford, | 03 | |
| | <i>J.C.P.</i> | 04 | Sim. de Faversham |

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| 1305 | Idem de Faversham | 1347 | Idem Northwode |
| 06 | Walt. Giffard | 48 | Idem Northwode |
| 1311 | Hen. de Mansfield | 49 | John Wyllyot |
| 13 | Hen. de Herclay | 1350 | Will. de Palmorna |
| 14 | Idem de Herclay | 51 | Idem de Palmorna |
| 15 | Idem de Herclay | 54 | Hum. de Charleton |
| 16 | Rich. de Nottingham | 55 | Idem Humphrey |
| 17 | John Lutterell | 56 | Idem Humphrey |
| 18 | idem Lutterell | 57 | Idem Humphrey |
| 19 | idem Lutterell | 58 | John de Hotham |
| 1320 | idem Lutterell | 59 | Idem de Hotham |
| 21 | idem Lutterell | 1360 | Nic. de Aston |
| 22 | idem Lutterell | 61 | Idem Nicholas |
| 23 | Henry Gower | 62 | Idem Nicholas |
| 24 | Will. de Alburwyke | 63 | John de Echingham |
| 25 | Idem Alburwyke | 64 | Idem Echingham |
| 26 | Tho. Hotham | 65 | Idem Echingham |
| 27 | Idem Hotham | 66 | Adam Tonworth |
| 28 | Ralph de Shrewsbury | 67 | Will. Courtney |
| 29 | Rog. de Streton | 68 | Idem Courtney |
| 1330 | Nigell de Waure or
Wavery | 69 | Idem Courtney |
| 31 | Idem Nigell | 1370 | Adam Tonworth |
| 32 | Ralph Radyn | 71 | Will. de Heytesbury |
| 33 | Idem Ralph | 72 | Will. de Remmington |
| 34 | Hugh de Willoughby | 73 | Idem Remmington |
| 35 | Rob. de Stratford | 74 | Will. de Wylton |
| 36 | Idem Stratford | 75 | Idem William |
| 37 | Idem Stratford | 76 | John Turke |
| 38 | Rob. Paynink | 77 | Adam Tonworth |
| 39 | William de Skelton | 78 | Idem Tonworth |
| 1340 | Idem Skelton | 79 | Rob. Aylesham |
| 41 | Will. de Bergeveney | 1380 | Will. Berton |
| 42 | Idem William | 81 | Rob. Rugge |
| 43 | Idem William | 82 | Will. Berton |
| 44 | Idem William | 83 | Rob. Rugge |
| 45 | John de Northwode | 84 | Idem Rugge |
| 46 | Idem Northwode | 85 | Idem Rugge |
| | | 86 | Idem Rugge |

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| 1387 Idem Rugge | 1420 Walter Treugoff |
| 88 Idem Rugge | Tho. Rodeburne |
| 89 Tho. Brightwell | 21 John Castell |
| 1390 Tho. Cranley | 22 Idem Castell |
| 91 Rob. Rugge | 23 Idem Castell |
| 92 Ralph Rudrith | 24 Idem Castell |
| 93 Tho. Presbury | 25 Idem Castell |
| 94 Rob. Allyngton | 26 Tho. Chace |
| 95 Tho. Hyndman | 27 Idem Chace |
| 96 Idem Hyndman | 28 Idem Chace |
| 97 Phil. Repynden | 29 Idem Chace |
| 98 Henry Beaufort | 1430 Idem Chace |
| 99 Tho. Hyndman | 31 Idem Chace |
| 1400 Phill. Repyndon | Gilbert Kymer |
| 01 Idem Repyndon | 32 Idem Kymer |
| 02 Idem Repyndon | 33 Idem Kymer |
| 03 Robert Halam | Tho. Bouchier |
| 04 Idem Halam | 34 Idem Bouchier |
| 05 Idem Halam | 35 Idem Bouchier |
| 06 Idem Halam | 36 Idem Bouchier |
| Will. Faringdon | 37 Idem Bouchier |
| Rich. Courtney | John Carpenter |
| 07 Idem Courtney | 38 Idem Carpenter |
| Rich. Ullerston | 39 John Norton |
| 08 Will. Clynt | 1440 Rich. Rotherham |
| 09 Tho. Presbury | Will. Grey |
| 1410 Will. Sulbury | 41 Idem Grey |
| 11 Rich. Courtney | 42 Idem Grey |
| John Baynard | Tho. Gascoigne |
| 12 Will. Sulburye | Hen. Sever |
| 13 Idem Sulburye | 43 Idem Sever |
| Will. Barrow | Tho. Gascoigne |
| 14 Idem Barrow | 44 idem Gascoigne |
| 15 Idem Barrow | 45 idem Gascoigne |
| 16 Tho. Clare | Rob. Thwaytes |
| 17 Idem Barrow | 46 idem Thwaytes |
| 18 Tho. Clare | Gilb. Kymer |
| 19 Rob. Colman | 47 idem Kymer |

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| 1448 | idem Kymer | 1482 | idem Wideville |
| 49 | idem Kymer | 83 | idem Wideville |
| 1450 | idem Kymer | | William Dudley, <i>Bi-</i> |
| 51 | idem Kymer | | <i>shop of Durham</i> |
| 52 | idem Kymer | 84 | John Ruffell, <i>Bishop of</i> |
| 53 | idem Kymer | | Lincoln |
| 54 | George Nevill | 95 | <i>Archbishop Moreton</i> |
| 55 | idem Nevill | 1500 | William Smith, <i>Bishop</i> |
| 56 | idem Nevill | | <i>of Lincoln</i> |
| 57 | idem Nevill | 02 | — Fitz-james, <i>Bi-</i> |
| | Tho. Chaundler | | <i>shop of Rochester</i> |
| 58 | idem Chaundler | | Rich. Mahew |
| 59 | idem Chaundler | 06 | <i>Archbishop Warham</i> |
| 1460 | idem Chaundler | 32 | John Longland, <i>Bishop</i> |
| 61 | idem Chaundler | | <i>of Lincoln</i> |
| | George Nevill | 47 | Rich. Cox |
| 62 | idem Nevill | 52 | Sir Rich. Mafon |
| 63 | idem Nevill | 56 | Cardinal Pole |
| 64 | idem Nevill | 68 | Hen. Fitz-allen <i>Earl</i> |
| 65 | idem Nevill | | <i>of Arundel</i> |
| 66 | idem Nevill | 60 | Sir Richard Mafon |
| 67 | idem Nevill | 64 | Rob. Dudley, <i>Earl of</i> |
| 68 | idem Nevill | | Leicester |
| 69 | idem Nevill | 88 | Christopher Hatton, |
| 1470 | idem Nevill | | <i>Ld Chancellor of Eng-</i> |
| 71 | idem Nevill | | <i>land, &c.</i> |
| 72 | idem Nevill | 91 | Tho. Sackville, <i>Lord</i> |
| | Tho. Chaundler | | Buckhurst, &c. |
| 73 | idem Chaundler | 1608 | <i>Archbishop Bancroft</i> |
| 74 | idem Chaundler | 10 | Thom. Egerton, <i>Lord</i> |
| 75 | idem Chaundler | | Ellesmere, &c. |
| 76 | idem Chaundler | 16 | William Herbert, <i>E.</i> |
| 77 | idem Chaundler | | <i>of Pembroke, &c.</i> |
| 78 | idem Chaundler | 30 | <i>Archbishop Laud</i> |
| 79 | idem Chaundler | 41 | Philip <i>E. of Pembroke</i> |
| | Lionel Wideville | 43 | William <i>Marquess of</i> |
| 1480 | idem Wideville | | Hertford |
| 81 | idem Wideville | 48 | Phil. <i>Earl of Pembroke</i> |

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| 1651 Oliver Cromwell | 1669 James D. of Ormond, |
| 58 Richard Cromwell | &c. |
| 60 Sir Edward Hyde, <i>Ld</i> | 88 James D. of Ormond, |
| <i>Chanc. of Engl. &c.</i> | &c. |
| 67 <i>Archbishop</i> Sheldon | |

HIGH-STEWARDS of the University of OXFORD.

- J**ohn Norreys *Esq.*
- 1466 Sir Robert Harcourt *Knt.*
- 72 John de la Pool *Duke of Suffolk*
- 85 Gasper de Hatfield, *Duke of Bedford*
- 87 Edmund Hampden *Esq.*
- 92 Sir William Stonar
- 94 Sir Reginald Bray
- 1509 Sir Thomas Lovell *Knt.*
- 24 Sir Thomas More, *Lord High Chancellor of England*
- 32 Lord William Fitz-Williams, *Earl of Southampton*
- 42 John Russell, *Earl of Bedford, &c.*
- 55 Henry Fitz-Allen, *Earl of Arundel, &c.*
- 58 John Lumley *Lord of Lumley*
- 1609 Henry Howard, *Earl of Northampton*
- 15 Philip Herbert, *Lord Herbert of Shirland, &c.*
- 41 William Fiennes, *Viscount Say and Seal*
- 43 George Digby, *Lord Digby of Sherbourne*
- 46 Ditto William Fiennes *restored*
- 60 Ditto George Digby *restored*
- 63 John Egerton *Earl of Bridgwater*
- Lawrence Hyde, *Earl of Rochester*
- 86 Henry Hyde, *Earl of Clarendon*
- 1711 Henry Hyde, *Earl of Rochester*

COMMISSARIES or VICE-CHANCELLORS.

1400	Will. Farendon			Will. Grey
1404	Griff. Hirkadam	1442	{	Will. Babington
1405	Will. Farendon		{	Will. Westkarre
1406	{ John Whytehede	1443	{	Will. Dowson
	{ John Orum		{	Will. Westkarre
1407	Ditto Orum		{	Will. Dowson
1422	John Daventrey	1444	{	Rich. Hall
1426	Rich. Roderham		{	Will. Westkarre
1427	Ditto Roderham		{	Will. Dowson
1428	Ditto Roderham	1445	{	John Selot
1429	Ditto Roderham		{	Will. Westkarre
1430	Ditto Roderham	1446	{	John Moreton
1431	Ditto Roderham		{	Will. Dowson
1432	Ditto Roderham		{	John Burneby
1433	John Burbach	1447	{	Will. Dowson
	{ Tho. Gascoigne		{	Ditto Dowson
1434	{ Christopher Knolles	1448	{	Ditto Burneby
	{ John Burbach		{	John Willey
	{ Ditto Burbach	1449	{	Ditto Burneby
1435	{ Tho. Boningworth		{	Ditto Dowson
	{ Ditto Burbach		{	Rich. Ryngstede
1436	{ Tho. Greneley	1450	{	John Beke
	{ John Gorfuch		{	Rog. Bulkley
1437	{ Tho. Grenely		{	John Van
	{ John Gorfuch	1451	{	John Beke
1438	{ Will. Hawtrine		{	John Van
	{ John Gorfuch		{	John Van
	{ John Burbach	1452	{	John Beke
1439	{ Tho. Southam		{	T. Yweyn <i>al.</i> Chalke
	{ Tho. Gascoigne		{	Tho. Sawnders
1440	John Gorfuch		{	Lucas Lacock
	{ John Gorfuch	1453	{	Rob. Thwayte
1441	{ Rob. Thwaites		{	Tho. Sawnders
	{ Will. Babington		{	Tho. Chalke

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| 1454 | Tho. Sawnders | 1468 | { Tho. Stevyn |
| | { Tho. Sawnders | | { Tho. Jane |
| 1455 | { Tho. Twynge | | { Rob. Tully |
| 1456 | Tho. Sawnders | 1469 | { Tho. Jane |
| | { Tho. Sawnders | | { Tho. Stevyn |
| 1457 | { Tho. Chippenham | 1470 | Tho. Stevyn |
| | { Walt. Wynhale | 1471 | Ditto Stevyn |
| 1458 | { Tho. Twynge | 1472 | Ditto Stevyn |
| | { John Danvers | 1473 | Ditto Stevyn |
| | { John Danvers | 1474 | Ditto Stevyn |
| 1459 | { Tho. Jane | 1475 | Ditto Stevyn |
| 1460 | Tho. Chalke | 1476 | Ditto Stevyn |
| | { Will. Ive | 1477 | Ditto Stevyn |
| 1461 | { Rog. Bulkley | 1478 | Ditto Stevyn |
| 1462 | Will. Ive | 1479 | Ditto Stevyn |
| | { John Wats | 1480 | { John Lane |
| | { Tho. Chaundler | | { Will. Sutton |
| 1463 | { David Husband | 1481 | { Richard Fitzjames |
| | { John Mulcaster | | { William Sutton |
| | { John Mulcaster | 1482 | { Robert Wrangwais |
| | { Laur. Cokkys | | { Sutton |
| | { Tho. Chaundler | 1483 | Ditto Sutton |
| 1464 | { Rog. Bulkley | | { Ditto Sutton |
| | { John Caldbeck | 1484 | { Richard Mayhew |
| | { Tho. Person | | { Thomas Pawnton |
| | { Tho. Smyth | 1485 | Richard Mayhew |
| | { Rob. Ixworth | 1486 | John Taylour |
| 1465 | { John Caldbeck | 1487 | Richard Estmond |
| | { Tho. Chaundler | 1488 | John Coldale |
| | { Tho. Chaundler | 1489 | Ditto Coldale |
| | { John Caldbeck | 1490 | Ditto Coldale |
| 1466 | { Tho. Stevyn | 1491 | { Richard Fitzjames |
| | { Laur. Cokkys | | { Ditto Coldale |
| | { Tho. Hill | 1492 | Ditto Coldale |
| | { Tho. Chaundler | 1493 | Robert Smyth |
| 1467 | { Tho. Stevyn | 1494 | Ditto Smyth |
| | { . . . Walton | 1495 | Ditto Smyth |
| | | 1496 | Ditto Smyth |

1497	William Atwater				Ditto Wylsford
1498	{ William Atwater	1512	{	William Fauntleroy	
	{ Thomas Harper		{	John Kynton	
	{ David Huys		{	Ditto Kynton	
1499	{ William Atwater	1513	{	William Fauntleroy	
	{ Thomas Chaundler		{	John Thornden	
1500	William Atwater		{	Ditto Thornden	
	{ William Smith	1515	{	Laurence Stubbys	
1501	{ Thomas Banke	1516		Edmund Wylsford	
	{ Hugh Sawnders	1517		Laur. Stubbys	
1502	The same again	1517		Richard Duck	
	{ John Thornton	1518		Richard Duck	
1503	{ John Kynton	1519	{	Ralph Barnack	
	{ S. Grene, <i>al.</i> Foderby		{	Richard Duck	
	{ Ditto Grene	1520	{	William Broke	
1504	{ John Kynton		{	Richard Benger	
	{ Rob. Tehy, <i>al.</i> Thay	1521		Richard Benger	
	{ Ditto Tehy	1522		Ditto Benger	
1505	{ Sim. Foderby	1523		Thomas Musgrave	
	{ John Roper	1524		Ditto Musgrave	
	{ John Adams	1525		Ditto Musgrave	
1506	{ John Thornden	1526		Ditto Musgrave	
	{ William Fauntleroy	1527		Ditto Musgrave	
	{ Ditto Fauntleroy	1528		John Cottisford	
1507	{ John Thornden	1529		Ditto Cottisford	
	{ John Avery	1530		Ditto Cottisford	
	{ John Kynton	1531		Ditto Cottisford	
1508	{ William Fauntleroy	1532	{	Ditto Cottisford <i>died</i>	
	{ John Thornden		{	William Tresham	
1509	William Fauntleroy	1533		William Tresham	
	{ William Fauntleroy	1534		Ditto Tresham	
1510	{ John Thornden	1535		Ditto Tresham	
	{ Thomas Mychel	1536		Ditto Tresham	
	{ William Fauntleroy	1537		Ditto Tresham	
	{ Thomas Drax	1538		Ditto Tresham	
1511	{ John Roper	1539		Ditto Tresham	
	{ John Cokkys	1540		Ditto Tresham	
	{ Edmund Wylsford	1541		Ditto Tresham	

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| 1542 Ditto Tresham | 1576 Ditto Humphreys |
| 1543 Ditto Tresham | 1577 Will. Cole, <i>S.T.B.</i> |
| 1544 Ditto Tresham | 1578 Mar. Culpepper, <i>M.D.</i> |
| 1545 Ditto Tresham | 1579 Tob. Mathews, <i>S.T.P.</i> |
| 1546 Ditto Tresham | 1580 Arth. Yeldard, <i>S.T.P.</i> |
| 1547 Walt. Wryght, <i>LL.D.</i> | 1581 Will. James, <i>S.T.P.</i> |
| 1548 Ditto Wryght | 1582 Rob. Hoveden, <i>S.T.P.</i> |
| 1549 Ditto Wryght | 1583 Tho. Thornton, <i>S.T.P.</i> |
| 1550 Ditto Wryght | 1584 John Underhill, <i>S.T.P.</i> |
| William Tresham | 1585 Edm. Lilley, <i>S.T.P.</i> |
| Ow. Oglethorp, <i>S.T.P.</i> | 1586 Dan. Bernard, <i>S.T.P.</i> |
| 1551 Rich. Martial, <i>S.T.P.</i> | 1587 Fran. Willis, <i>S.T.P.</i> |
| Ditto Martial | 1588 Martin Heton, <i>S.T.P.</i> |
| 1554 John Warner, <i>M.D.</i> | 1589 Nic. Bonde, <i>S.T.P.</i> |
| 1555 Rich. Smyth, <i>S.T.P.</i> | 1590 Will. James, <i>S.T.P.</i> |
| 1556 Will. Tresham | 1591 Ditto James |
| 1556 Tho. Raynolds, <i>S.T.P.</i> | 1592 Ditto Nic. Bonde |
| 1557 Ditto Raynolds | 1593 Edm. Lilley |
| 1558 William Tresham | 1594 Ditto Lilley |
| 1559 Ditto Tresham | 1595 Ditto Lilley |
| 1560 Fran. Babington, <i>S.T.P.</i> | 1596 Tho. Ravys, <i>S.T.P.</i> |
| 1561 Ditto Babington | 1597 Ditto Ravys |
| 1562 Ditto Babington | 1598 Tho. Singleton, <i>S.T.P.</i> |
| Tho. Whyte, <i>LL.D.</i> | 1599 Tho. Thornton |
| 1563 Ditto Whyte | 1600 George Abbot, <i>S.T.P.</i> |
| L. Humphreys, <i>S.T.P.</i> | 1601 George Ryves, <i>S.T.P.</i> |
| 1564 John Kennall, <i>LL.D.</i> | 1602 John Howson, <i>S.T.P.</i> |
| 1565 Ditto Kennall | 1603 George Abbot |
| 1566 Ditto Kennall | 1604 John Williams |
| 1567 Tho. Cooper, <i>M.B.</i> | 1605 Ditto Abbot |
| 1568 Ditto Cooper | 1606 Hen. Ayray, <i>S.T.P.</i> |
| 1569 Ditto Cooper | 1607 John Kyng, <i>S.T.P.</i> |
| 1570 Ditto Cooper | 1608 Ditto Kyng |
| 1571 Laur. Humphreys | 1609 Ditto Kyng |
| 1572 Ditto Humphreys | 1610 Ditto Kyng |
| 1573 Ditto Humphreys | 1611 Ditto Singleton |
| 1574 Ditto Humphreys | 1612 Ditto Singleton |
| 1575 Ditto Humphreys | 1613 Ditto Singleton |

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| 1614 Will. Goodwyn, <i>S.T.P.</i> | 1652 John Owen, <i>A. M.</i> |
| 1615 Ditto Goodwyn | 1653 Ditto Owen, <i>S.T.P.</i> |
| 1616 Arthur Lake, <i>S.T.P.</i> | 1654 Ditto Owen |
| 1617 Ditto Goodwyn | 1655 Ditto Owen |
| 1618 Ditto Goodwyn | 1656 Ditto Owen |
| 1619 John Prideaux, <i>S.T.P.</i> | 1657 John Conant, <i>S.T.P.</i> |
| 1620 Ditto Prideaux | 1658 Ditto Conant |
| 1621 Will. Piers, <i>S. T. P.</i> | 1659 Ditto Conant |
| 1622 Ditto Piers | 1660 Paul Hood, <i>S.T.P.</i> |
| 1623 Ditto Piers | 1661 Rich. Baylie |
| 1624 John Prideaux | 1662 Walt. Blandford, <i>S.T.P.</i> |
| 1625 Ditto Prideaux | 1663 Ditto Blandford |
| 1626 Will. Juxon, <i>LL.D.</i> | 1664 Rob. Say, <i>S. T. P.</i> |
| 1627 Ditto Juxon | 1665 Ditto Say |
| 1628 Accept. Frewen, <i>S.T.P.</i> | 1666 John Fell, <i>S. T. P.</i> |
| 1629 Ditto Frewen | 1667 Ditto Fell |
| 1630 Will. Smyth, <i>S.T.P.</i> | 1668 Ditto Fell |
| 1631 Ditto Smith | 1669 Peter Mews, <i>LL.D.</i> |
| 1632 Brian Duppa, <i>S.T.P.</i> | 1670 Ditto Mews |
| 1633 Ditto Duppa | 1671 Ditto Mews |
| 1634 Rob. Pinke, <i>S.T.P.</i> | 1672 Ditto Mews |
| 1635 Ditto Pinke | 1673 Ralph Bathurst, <i>M.D.</i> |
| 1636 Rich. Baylie, <i>S.T.P.</i> | 1674 Ditto Bathurst |
| 1637 Ditto Baylie | 1675 Ditto Bathurst |
| 1638 Acceptus Frewen | 1676 Henry Clerk |
| 1639 Ditto Frewen | 1677 John Nicolas, <i>S.T.P.</i> |
| 1640 Christo. Potter, <i>S.T.P.</i> | 1678 John Nicolas |
| 1641 John Prideaux | 1679 Tim. Halton, <i>S.T.P.</i> |
| 1642 | 1680 Ditto Halton |
| 1643 Tolson, <i>S.T.P.</i> | 1681 Ditto Halton |
| 1644 Rob. Pinke | 1682 John Lloyd |
| 1645 Sam. Fell, <i>S.T.P.</i> | 1683 Ditto Lloyd |
| 1646 Ditto Sam. Fell | 1684 Ditto Lloyd |
| 1647 Ditto Sam. Fell | 1685 Tim. Halton |
| 1648 Edw. Reynolds, <i>A.M.</i> | 1686 John Ven, <i>S. T. P.</i> |
| 1649 Ditto Reynolds, <i>S.T.P.</i> | 1687 Gilb. Ironside |
| 1650 Da. Greenwood, <i>S.T.P.</i> | 1688 Ditto Ironside |
| 1651 Ditto Greenwood | 1689 Jon. Edwards, <i>S.T.P.</i> |

1690	Ditto Edwards	1702	Will. Delaune, S.T.P.
1691		1703	Ditto Delaune
1692	Hen. Aldrich, S.T.P.	1704	Ditto Delaune
1693	Ditto Aldrich	1705	Ditto Delaune
1694	Ditto Aldrich	1706	Will. Lancaster, S.T.P.
1695	Fitz. Adams, S.T.P.	1707	Ditto Lancaster
1696	Ditto Adams	1708	Ditto Lancaster
1697	John Mear, S.T.P.	1709	Ditto Lancaster
1698	Will. Paynter, S.T.P.	1710	Th. Braithwait, LL.D.
1699	Ditto Paynter	1711	Ditto Braithwait
1700	Rog. Maunder, S.T.P.	1712	Bern. Gardiner
1701	Ditto Maunder	1713	Ditto Gardiner

PROCTORS.

- 1267 **R**oger de Plumpton
 Henry de Godfrey
 Robert de Burgo
 1281 William de Coleshull
 Henry de la Wyle, *Coll. Mert.*
 1286 Robert Marmyon
 John de la More, *Coll. Mert.*
 1288 Edward Farney
 Thomas de Abendon } *Coll. Mert.*
 1311 Robert de Bridlington }
 Thomas de Hambleton, *Coll. Bal.*
 1313 John de la Grave, *Coll. Mert.*
 Richard Abell
 1315 William Barnaby, *Coll. Mert.*
 William Skelton
 1322 Simon Ifley, *Coll. Mert.*
 Ditto Skelton
 1323 John de Fenton, *Coll. Bal.*
 William de Harrington, *Coll. Mert.*
 1325 Thomas de Bradwardyn
 Anthony Goldesburg
 1327 Elias Walwayne
 Thomas de Redyng, *Coll. Mert.*
 1331 William de Witheron
 Edward de Wyke
 1333 John de Gotham
 Adam de Potthow
 1340 Richard de Shrovesbury
 Michael de Hamplesford
 1343
 S. John Loke
 1346 N. William Ingestre

- 1348 S. Thomas de Stratford
 N. Robert de Ingram
 1349 Ditto
 Roger de Aswardby, *Coll. Univer.*
 1350 Robert Frommund, *Coll. Ex.*
 John de Middleton, *Coll. Oriel.*
 1355 Nic. de Radings, *Coll. Mert.*
 1356 Ditto
 John Josefyn, *Coll. Mert.*
 1357 Alexander Ferribrygge, *Coll. Oriel*
 William Deneby, *Coll. Or.*
 1358 Richard de Tonworth, *Coll. Mert.*
 Richard de Tonworth, *Coll. Mert.*
 1360 Robert Derby
 Simon Lambourne, *Coll. Mert.*
 1361 James Stanton, *Coll. Or.*
 Richard Sutton, *Coll. Mert.*
 1363 Walter Wandesford, *Coll. Or.*
 Walter Wandesford, *Coll. Or.*
 1364 Walter Remmesbury, *Coll. Mert.*
 William Fereby, *Coll. Bal.*
 1366 Thomas Hulum
 Adam Plumpton, *Coll. Bal.*
 1367 Robert de Aylesham, *Coll. Mert.*
 Robert de Aylesham, *Coll. Mert.*
 1368 William Fereby, *Coll. Bal.*
 Robert Underhill
 1372 Peter Eland
 William Wakefield
 1376
 Thomas Lyndelow, *Coll. Bal.*
 1377 John Wendover, *Coll. Mert.*
 John Buritone
 1379 Richard Pester
 John Huntman
 1382 Walter Diffy, *Coll. Or.*
 Stephen Brakkeley
 1393 Richard Whelpynton, *Coll. Mert.*

- 1395 John Roke, *Coll. Or.*
 Robert Thurbury, *Coll. Nov.*
 1396 John Loke, *Coll. Mert.*
 Thomas Nafferton, *Coll. Un.*
 Robert Thurbury, *Coll. Nov.*
 1399 John Roke, *Coll. Or.*
 John Forfter
 1400 John Brampton
 John Forfter
 1401 Thomas Rodeburne, *Coll. Mert.*
 1402 Ditto
 Roger Wheldale, *Coll. Reg.*
 1403 Thomas Lucas, *Coll. Mert.*
 Edmund Orsoware
 1404 William Colthurst
 Thomas Martyn, *Coll. Mert.*
 1405 John Castell, *Coll. Univ.*
 Walter Logardyn, *Coll. Mert.*
 1406 Adam Skelton, *Coll. Reg.*
 William Duffield, *Coll. Mert.*
 1407 Richard Flemming, *Coll. Un.*
 Richard Colling
 1408 Roger Gates, *Coll. Mert.*
 Robert Aclom
 1409 Richard Baron, *Coll. Mert.*
 Richard Colling
 1410 Roger Orsoworth
 John Byrch, *Coll. Un.*
 1411 Bennet Brent, *Coll. Ex.*
 Gilbert Kymer, *Coll. Un.*
 1412 William Symond, *Coll. Un.*
 William Symond
 1413 Gilbert Kymer
 Robert Camel
 1414 John Colum
 Henry Woochurch
 1415 Robert Dinkley, *Coll. Un.*

- Robert Dinkeley
 1416 William Andrews, *Coll. Ex.*
 John Allwarde, *Coll. Ex.*
 1417 Robert Tonge, *Coll. Un.*
 William Moulton, *Coll. Un.*
 1418 John Worthille, *Coll. Ball.*
 Richard Heth
 1419 Richard Burnham
 Robert Morton, *Coll. Or.*
 1420 Thomas Juster, *Coll. Mert.*
 Robert Beaumont
 1421 John Hill
 Thomas Cotes
 1422 Kylling Merish, *Coll. Un.*
 John Bedminster, *Coll. Or.*
 1423 Robert Thwaites, *Coll. Bal.*
 John Bedminster, *Coll. Or.*
 1424 Thomas Grenly, *Coll. Or.*
 John Schireburne, *Coll. Or.*
 1425 William Colling
 Thomas Lyfures
 1426 John Arundell, *Coll. Ex.*
 Henry Sewer, *Coll. Mert.*
 1427 Richard Babthorpe
 John Wygrym, *Coll. Mert.*
 1428 Richard Babthorpe
 Richard Babthorpe
 1429 John Kyng
 Thomas Grant, *Coll. Or.*
 1430 Thomas Eglesfield, *Coll. Reg.*
 William Tybart
 1431 William Brandon, *Coll. Bal.*
 William Brandon
 1432 John Halse, *Coll. Ex.*
 William Dowson, *Coll. Un.*
 1433 Roger Bulkley, *Hare-Hall*
 Richard Tenant
 1434 Michael Tregory

- John Spekington, *Salisbury Hall*
 1435 Robert Multon, *Black Hall*
 William Crowton, *Coll. Oriel*
 1436 John Kirkby, *Frideswyde Hall*
 John Kirkby
 1437 Thomas Kempe
 William Selby, *Coll. Nov.*
 1438 Robert Flemming, *Coll. Univ.*
 William Orell
 1439 John Willey
 John Segden, *Staple Hall*
 1440 Richard Newbrygge, *Coll. Mert.*
 William Saye, *Coll. Nov.*
 1441 John Killingworth, *Coll. Mert.*
 S. Roger Grey, *Coll. Un.*
 1442 N. Thomas Walkington, *Coll. Nov.*
 William Fraunces, *Coll. Mert.*
 1443 John Tristroppe, *Coll. Linc.*
 Thomas Chaundler, *Coll. Nov.*
 1444 John Tristroppe, *Coll. Linc.*
 N. William Moreton, *Coll. Bal.*
 1445 S. Thomas Copleston, *Coll. Ex.*
 William Snareston, *Coll. Nov.*
 1446 William Lambton, *Coll. Bal.*
 John Gygur, *Coll. Mert.*
 1447 Walter Bale, *Coll. Linc.*
 S. John Baker, *Coll. Nov.*
 1448 N. Henry Meolès
 S. John Wade, *Coll. Mert.*
 1449 N. William Daniel, *Coll. Un.*
 S. Richard Lake, *Coll. Ball.*
 1450 N. Woolstan Brown, *Coll. Un.*
 William Ketill, *Coll. Linc.*
 1451 Thomas Balfall, *Coll. Mert.*
 N. John Ekys, *Coll. Magd.*
 1452 S. Thomas Reynolds, *Coll. Ex.*
 John Yonge, *Coll. Mert.*
 1453 John Seymoure, *Coll. All-S.*

- Thomas Becket
 1454 Robert Norman
 John Marshall, *Coll. Mert.*
 1455 Walter Windfore, *Coll. Ex.*
 John Brether, *Coll. All-S.*
 1456 Robert Abdy, *Coll. Bal.*
 Thomas Wodehill
 1457 Thomas Bemfley
 Martin Joyner, *Coll. Nov.*
 1458 John Molineux, *Braz. Hall*
 Stephen Bereworth, *Coll. All-S.*
 1459 Thomas Lee, *Edmund Hall*
 Robert Elyot, *Coll. All-S.*
 1460 Thomas Purveyor
 S. John Morne, *Coll. Nov.*
 1461 N. John Thorpe, *Coll. Linc.*
 Thomas Proctor, *Coll. All-S.*
 1462 Richard Dobbys
 S. Walter Hill, *Coll. Nov.*
 1463 N. William Corte, *Coll. Bal.*
 Thomas Pawnton, *Coll. Linc.*
 1464 John Payntour, *Coll. Mert.*
 Thomas Ganne, *Coll. Linc.*
 1465 William Whytwey, *Coll. Nov.*
 S. Thomas Proctor
 1466 N. William Appylby, *Coll. Bal.*
 Richard Bernard, *Coll. Ex.*
 1467 William Sutton, *Coll. Un.*
 S. John Harrow, *Coll. Ex.*
 1468 N. Nic. Langton, *Coll. Linc.*
 Richard Mayhew, *Coll. Nov.*
 1469 George Strangwich, *Coll. Linc.*
 S. William Brew, *Coll. Ex.*
 1470 N. Thomas Beston
 Nic. Good, *Coll. Magd.*
 1471 Richard Davis
 William Major, *Coll. Ex.*
 1472 John Acherley, *Coll. All-S.*

- S. Richard Fitzjames, *Coll. Mert.*
 1473 N. John Newylton
 Richard Bradelegh, *Coll. Ex.*
 1474 Richard Estmonde
 William Bethum, *Coll. Linc.*
 1475 Maur. Berthram, *Coll. Mert.*
 John Bettys, *Coll. All-S.*
 1476 William Southworth, *Coll. Bal.*
 Roger Hanley
 1477 Thomas Parmenter, *Coll. Mert.*
 S. Jeoff. Simeon, *Coll. Nov.*
 1478 N. David Ireland, *Coll. Magd.*
 Robert Gosborne, *Coll. Mert.*
 1479 John Forster, *Coll. Univ.*
 Nic. Halfwell, *Coll. All-S.*
 1480 John Martin, *Coll. Magd.*
 S. William Porter
 1481 N. Ralph Hamsterley, *Coll. Mert.*
 S. Thomas Karvour, *Coll. Magd.*
 1482 N. Ralph Stanhope, *Coll. Ex.*
 James Babbe, *Coll. Ex.*
 1483 Robert Lathys, *Coll. Reg.*
 Richard Trappe, *Coll. Nov.*
 1484 William Croft, *Coll. Magd.*
 Smyth
 1485 Inglyffet
 S. Edmund Frowceter, *Coll. Magd.*
 1486 N. Robert Arden, *Coll. Mert.*
 John Hobille, *Coll. Nov.*
 1487 William Bokkyng
 John Husey or Hosey, *Coll. Magd.*
 1488 Peter Casely, *Coll. Ex.*
 William Hewster, *Coll. Magd.*
 1489 Robert Boorton, *Coll. Mert.*
 John North, *Coll. Magd.*
 1490 Robert Wykys, *Coll. Nov.*
 S. John Wythers, *Coll. Magd.*
 1491 N. Thomas Hobbys, *Coll. All-S.*

- 1492 John Davys, *Coll. Mert.*
 William Lambton
 1493 John Jolliff, *Coll. Ex.*
 Richard Barningham, *Coll. Bal.*
 Anthony Fisher, *Coll. Magd.*
 1494 Robert Dale, *Coll. Mert.*
 William Hafard, *Coll. Magd.*
 1495 William Marbyll
 S. Rowland Philips, *Coll. Or.*
 1496 N. Thomas Cracynthorpe, *Coll. Reg.*
 Thomas Drax, *Coll. Linc.*
 1497 Richard Sydnore, *Coll. Magd.*
 S. Hugh Brusey, *White-Hall*
 1498 N. John Lethome, *Coll. Un.*
 Hugh Brusey
 1499 Richard Halse
 Edward Darbey, *Coll. Linc.*
 1500 Thomas Claydon, *Coll. Nov.*
 S. John Game, *Coll. All-S.*
 1501 N. William Dale
 N. Hugh Hawarden, *Braz. Hall*
 1502 S. John Matson, *Coll. Mert.*
 N. John Stokesley, *Coll. Magd.*
 1503 S. Richard Dudley, *Coll. Or.*
 N. Laurence Stubbs, *Coll. Magd.*
 1504 S. John Beverston, *Coll. Mert.*
 N. William Patenson, *Coll. Reg.*
 1505 S. John Goulde, *Coll. Magd.*
 N. Edward Colyar, *Coll. Un.*
 1506 S. Richard Stokes, *Coll. Magd.*
 John Lane, *Coll. Nov.*
 1507 William Thompson, *Coll. Univ.*
 S. Robert Carter, *Coll. Magd.*
 1508 N. Row, Messynger
 Thomas Eritage, *Coll. Or.*
 1509 Richard Ducked, *Coll. Ex.*
 John Burgefs, *Coll. Magd.*
 1510 John Hewys, *Coll. Mert.*

- S. John Brooke, *Coll. Or.*
 1511 N. Thomas Sotherne
 S. Thomas Pulton, *Coll. Nov.*
 1512 N. Richard Symonds, *Coll. Mert.*
 S. Thomas Mede, *Coll. Ex.*
 1513 N. Thomas Hobson, *Coll. Univ.*
 Leo. Huchinson, *Coll. Ball.*
 1514 Thomas Ware, *Coll. Or.*
 John Cottysford, *Coll. Linc.*
 1515 William Foffey, *Coll. All-S.*
 Richard Walker, *Coll. Mert.*
 1516 Edmund Grey, *Coll. Nov.*
 Thomas Irish, *Coll. Ex.*
 1517 Thomas Musgrave, *Coll. Mert.*
 John Stevins, *Coll. Or.*
 1518 Roger Dingley, *Coll. All-S.*
 S. Thomas Flowre, *Coll. Linc.*
 1519 N. Thomas Alyn, *Coll. Braz.*
 N. John Booth, *Coll. Braz.*
 1520 S. George Croftys, *Coll. Or.*
 N. Henry Tyndale, *Coll. Mert.*
 1521 S. John Wylde
 Thomas Canner, *Coll. Magd.*
 1522 Richard Crispyne, *Coll. Or.*
 Thomas Canner
 1523 Edmund Campion
 Edward Leighton, *Coll. Card.*
 1524 Philip Bale, *Coll. Ex.*
 Anthony Sutton, *Coll. Magd.*
 1525 John Tuckar, *Coll. Card.*
 Simon Ball, *Coll. Mert.*
 1526 Thomas Byrton, *Coll. Card.*
 Arthur Cole, *Coll. Magd.*
 1527 Richard Lorgan, *Coll. Or.*
 John Bellitory, *Coll. Mert.*
 1528 Walter Bocklar, *Coll. Card.*
 John Warner, *Coll. All-S.*
 1529 Thomas Duke, *Coll. Nov.*

- 1530 The same,
John Pollard
- 1531 George Cottys, *Coll. Magd.*
Thomas Selwode, *Coll. Nov.*
- 1532 William Pedyll, *Coll. Mert.*
John Pekyns, *Coll. Exon.*
- 1533 Owen Oglethorp, *Coll. Magd.*
Dunstan Lacy, *Coll. Linc.*
- 1534 John Howell, *Coll. All-S.*
Edmund Shether, *Coll. All-S.*
- 1535 John Pollet
William Wetherton, *Coll. All-S.*
- 1536 William Pye, *Coll. Or.*
Hugh Weston, *Coll. Linc.*
- 1537 Thomas Knyght, *Coll. Nov.*
Richard Arderne, *Coll. Magd.*
- 1538 Thomas Roberts, *Coll. Or.*
N. William Smyth, *Coll. Braz.*
- 1539 S. John Stoyt, *Coll. Mert.*
N. Lewis Reynolds, *Coll. Magd.*
- 1540 S. John Man, *Coll. Nov.*
Roger Brommold, *Coll. Nov.*
- 1541 John Wyman, *Coll. Magd.*
John Estwyke, *Coll. Mert.*
- 1542 William Pye, *Coll. Or.*
- 1543 The same again.
Nicholas Alambrygge, *Coll. All-S.*
- 1544 William Smyth, *Coll. Braz.*
John Stoyt
- 1545 Simon Parret, *Coll. Magd.*
John Smyth, *Coll. Or.*
- 1546 Simon Parret
Edmund Crispyn, *Coll. Or.*
- 1547 Henry Baylie, *Coll. Nov.*
John Redman, *Coll. Magd.*
- 1548 Thomas Simonds, *Coll. Mert.*
Leo. Lyngham, *Coll. Ex.*
- 1549 Richard Hughes, *Coll. Magd.*

- Roger Elyott, *Coll. All-S.*
 1550 Thomas Frynde, *Coll. Nov.*
 William Martial, *Coll. Mert.*
 1551 Peter Rogers, *Ch. Ch. Coll.*
 Thomas Spencer, *Ch. Ch. Coll.*
 1552 Maur. Bullock, *Coll. Nov.*
 1553 The same again
 Thomas Coveney, *Coll. Magd.*
 1554 Christopher Hargreve, *Coll. Linc.*
 William Northfolke, *Coll. Or.*
 1555 James Gervys, *Coll. Mert.*
 Henry Wotton, *Ch. Ch. Coll.*
 1556 Thomas Davys, *Coll. Nov.*
 Francis Babyngton, *Coll. All-S.*
 1557 William Allyn, *St. Mary Hall*
 1558 Alan Cope
 Walter Baylie
 John Daye, *Coll. Magd.*
 1559 Edward Bramborow, *Coll. Nov.*
 Thomas Leech, *Ch. Ch. Coll.*
 1560 Thomas Scot, *Coll. Trin.*
 Oliver Wythynghon, *Coll. Braz.*
 1561 Humphrey Hall, *Coll. All-S.*
 Roger Marbeck, *Ch. Ch. Coll.*
 1562 Roger Gyfford, *Coll. Mert.*
 Thomas Walley, *Ch. Ch. Coll.*
 1563 Roger Gyfford, *Coll. Mert.*
 Roger Marbeck, *Ch. Ch. Coll.*
 1564 John Watkyns, *Coll. All-S.*
 Thomas Garbrand, *Coll. Magd.*
 1565 John Merick, *Coll. Nov.*
 William Leech, *Coll. Braz.*
 1566 William Stocker, *Coll. All-S.*
 1567 Adam Squyre, *Coll. Bal.*
 Henry Buft, *Coll. Magd.*
 1568 James Charnock, *Coll. Braz.*
 Edmund Campion, *Coll. St. John*

- John Bereblock, *Coll. Ex.*
 1569 John Bodley, *Coll. Mert.*
 Arthur Atye, *Coll. Mert.*
 1570 Thomas Glasfyer, *Ch. Ch. Coll.*
 Anthony Blencow, *Coll. Or.*
 1571 Edmund Fleetwood, *Coll. Mert.*
 1572 The same again.
 John Tatham, *Coll. Mert.*
 1573 Edmund Lillie, *Coll. Magd.*
 John Buft, *Ch. Ch. Coll.*
 1574 Richard Barry, *Coll. Or.*
 John Underhill, *Coll. Nov.*
 1575 Henry Saville, *Coll. Mert.*
 1576 The same again.
 John Glover, *Ch. Ch. Coll.*
 1577 Thomas Dotchen, *Coll. Magd.*
 Ralph Smyth, *Coll. Magd.*
 1578 Clement Colmer, *Coll. Braz.*
 William Zouch, *Ch. Ch. Coll.*
 1579 Isaac Upton, *Coll. Magd.*
 Robert Crayne, *Coll. Bal.*
 1580 Thomas Stone, *Ch. Ch. Coll.*
 Robert Crayne
 1581 Richard Madock, *Coll. All-S.*
 Robert Cooke, *Coll. Braz.*
 1582 John Browne, *Ch. Ch. Coll.*
 Thomas Leyson, *Coll. Nov.*
 1583 Richard Eedes, *Ch. Ch. Coll.*
 Thomas Smyth, *Ch. Ch. Coll.*
 1584 Richard Mercer, *Coll. Ex.*
 Thomas Singleton, *Coll. Braz.*
 1585 John Bennet, *Ch. Ch. Coll.*
 William Watkinson, *Ch. Ch. Coll.*
 1586 Giles Thomson, *Coll. All-S.*
 George Dale, *Coll. Or.*
 1587 John Harmar, *Coll. Nov.*
 1588 Thomas Ravys, *Ch. Ch. Coll.*
 Mat. Gwynne, *Coll. St. John*

- John Harding, *Coll. Magd.*
 1589 John King, *Ch. Ch. Coll.*
 Gasper Colmer, *Coll. Mert.*
 1590 John Eveligh, *Coll. Ex.*
 Rich. Braunche, *Ch. Ch. Coll.*
 1591 John Lloyde, *Coll. Nov.*
 Thomas Saville, *Coll. Mert.*
 1592 Ralph Winwood, *Coll. Magd.*
 William Awbrie, *Ch. Ch. Coll.*
 1593 Rich. Lateware, *Coll. St. John's*
 Hen. Foster, *Coll. Braz.*
 1594 Henry Cuffe, *Coll. Mert.*
 Robert Tynley, *Coll. Magd.*
 1595 William Pritchard, *Ch. Ch. Coll.*
 Abel Gower, *Coll. Or.*
 1596 Rowl. Searchfield, *Coll. S. John*
 John Parkhurst, *Coll. Magd.*
 1597 Richard Trafford, *Coll. Mert.*
 Edward Gee, *Coll. Braz.*
 1598 Henry Belyngham, *Coll. Nov.*
 William Osbourne, *Coll. All-S.*
 1599 Francis Sydney, *Ch. Ch. Coll.*
 Nicolas Langford, *Ch. Ch. Coll.*
 1600 Laur. Humphrey, *Coll. Magd.*
 George Benson, *Coll. Reg.*
 1601 Gerard Massey, *Coll. Braz.*
 Daniel Pury, *Coll. Magd.*
 1602 Walter Bennet, *Coll. Nov.*
 Christopher Dale, *Coll. Mert.*
 1603 William Laud, *Coll. St. John's*
 William Ballow, *Ch. Ch. Coll.*
 1604 George Darrell, *Coll. All-Souls*
 Richard Fitzherbert, *Coll. Nov.*
 1605 John Hanmer, *Coll. All-Souls*
 Simon Baskerville, *Coll. Ex.*
 1606 James Mabbe, *Coll. Magd.*
 Nath. Brent, *Coll. Mert.*
 1607 John Tolson, *Coll. Or.*

- Edward Underhill, *Coll. Magd.*
 1608 John Hamden, *Coll. Ch. Ch.*
 Charles Greenwood, *Coll. Un.*
 1609 John Flemming, *Coll. Exon.*
 Robert Pynke, *Coll. Nov.*
 1610 Sam. Radcliffe, *Coll. Braz.*
 Norwych Spakeman, *Ch. Ch. Coll.*
 1611 John Dunster, *Coll. Magd.*
 Thomas Seller, *Coll. Trin.*
 1612 Richard Corbet, *Ch. Ch. Coll.*
 Anthony Richardson, *Coll. Reg.*
 1613 Vincent Goddard, *Coll. Magd.*
 Jenkins Vaughan, *Coll. All-Souls*
 1614 Samuel Fell, *Ch. Ch. Coll.*
 Hugh Dyke, *Coll. Braz.*
 1615 Richard Baylie, *Coll. St. John's*
 Robert Sanderson, *Coll. Lincoln's*
 1616 Charles Crook, *Ch. Ch. Coll.*
 Francis Grevill, *Coll. Mert.*
 1617 John Harris, *Coll. Nov.*
 Daniel Ingoll, *Coll. Reg.*
 1618 John Drope, *Coll. Magd.*
 Christopher Wren, *Coll. St. John's*
 1619 Brian Duppa, *Coll. All-Souls*
 Matthew Osbourne, *Coll. Wadham*
 1620 Samuel Smyth, *Coll. Magd.*
 Matthias Style, *Coll. Ex.*
 1621 Nicholas Baylie, *Ch. Ch. Coll.*
 Griffin Higgs, *Coll. Mert.*
 1622 Richard Steward, *Coll. All-Souls*
 John Smyth, *Coll. Magd.*
 1623 William Oldis, *Coll. Nov.*
 Daniel Escote, *Wadh. Coll.*
 1624 Richard Hill, *Coll. Braz.*
 Nicholas Brooks, *Coll. Or.*
 1625 Samuel Marsh, *Coll. Trin.*
 Hopton Sidenham, *Coll. Magd.*
 1626 Dennis Prideaux, *Coll. Ex.*

- Hugh Halfwell, *Coll. All-Souls*
- 1627 Francis Hyde, *Ch. Ch. Coll.*
- Robert Williamson, *Coll. Magd.*
- 1628 Robert Lloyd, *Coll. Jesus*
- John Atkinson, *Coll. St. John's*
- 1629 William Strode, *Ch. Ch. Coll.*
- Ralph Austen, *Coll. Magd.*
- 1630 Hen. Stringer, *Coll. Nov.*
- Atherton Bruche, *Coll. Braz.*
- 1631 John Doughty, *Coll. Mert.*
- Richard Chaworth, *Ch. Ch. Coll.*
- 1632 John Meredith, *Coll. All-Souls*
- Thomas Whyte, *C. C. Coll.*
- 1633 Freeman Page, *Coll. Ex.*
- Herbert Pelham, *Coll. Magd.*
- 1634 John Warren, *Coll. Wadh.*
- John Edwards, *Coll. St. John's*
- 1635 Guy Carleton, *Coll. Reg.*
- Thomas Browne, *Ch. Ch. Coll.*
- 1636 John Good, *Coll. Nov.*
- Dan. Lawford, *Coll. Or.*
- 1637 John Gliffon, *Coll. Trin.*
- Edw. Corbet, *Coll. Mert.*
- 1638 John Nicholson, *Coll. Magd.*
- Edward Fulham, *Ch. Ch. Coll.*
- 1639 Rob. Heywood, *Coll. Braz.*
- Peter Allibond, *Coll. Linc.*
- 1640 Nicholas Greaves, *Coll. All-Souls*
- Baldwyn Acland, *Coll. Ex.*
- 1641 Abraham Woodhead, *Coll. Un.*
- Edward Young, *Coll. Nov.*
- 1642 Trifram Sugg, *Coll. Wadh.*
- George Wake, *Coll. Magd.*
- 1643 Will. Cartwright, *Ch. Ch. Coll.*
- William Creed, *Coll. St. John's*
- 1644 Fran. Broad, *Coll. Mert.*
- Charles Whear, *Glouc. Hall*
- 1645 John Michell, *Coll. Bal.*

- Richard Wyat, *Coll. Or.*
 1646 Byrom Eaton, *Coll. Braz.*
 Rob. Waring, *Ch. Ch. Coll.*
 1647 Henry Hunt, *Coll. Magd.*
 Joshua Crosse, *Coll. Linc.*
 1648 Ralph Button, *Coll. Mert.*
 John Mauditt, *Coll. Exon.*
 1649 Jerom Zanchy, *Coll. All-Souls*
 Gratian Owen, *Coll. Lincoln.*
 1650 Phillip Stephens, *Coll. Nov.*
 Matthew Unit, *Coll. Trin.*
 1651 Samuel Lee, *Coll. Wadh.*
 Francis Howel, *Coll. Ex.*
 1652 Peter Jarsey, *Coll. Pembr.*
 Phillip Ward, *Ch. Ch. Coll.*
 1653 George Gorges, *Coll. St. John's*
 Thomas Cracroft, *Coll. Magd.*
 1654 Stephen Charnock, *Coll. Nov.*
 Samuel Bruen, *Coll. Braz.*
 1655 Edward a Wood, *Coll. Mert.*
 Edward Littleton, *Coll. All-Souls*
 1656 William Carpenter, *Ch. Ch. Coll.*
 Samuel Byfield, *C. C. Coll.*
 1657 Sam. Conant, *Coll. Ex.*
 George Porter, *Coll. Magd.*
 1658 Walt. Pope, *Coll. Wadh.*
 George Phillips, *Coll. Reg.*
 1659 Thomas Wyat, *Coll. St. John's*
 Thomas Tanner, *Coll. Nov.*
 1660 John Dod, *Ch. Ch. Coll.*
 Nic. Meese, *Coll. Trin.*
 1661 Henry Hawley, *Coll. Or.*
 Tho. Frankland, *Coll. Braz.*
 1662 Henry Bold, *Ch. Ch. Coll.*
 Nath. Crew, *Coll. Linc.*
 1663 Thomas Tomkyns, *Coll. All-Souls*
 John Hearne, *Coll. Exon.*
 1664 William Shippen, *Coll. Un.*

- Phineas Bury, *Coll. Wadh.*
 1665 David Thomas, *Coll. Nov.*
 Nath. Hodges, *Ch. Ch. Coll.*
 1666 Walter Baylie, *Coll. Magd.*
 George Roberts, *Coll. Mert.*
 1667 Edward Bernard, *Coll. St. John's.*
 Richard Whyte, *St. Mary Hall*
 1668 William Durham, *Coll. Trin.*
 Nath. Alsop, *Coll. Braz.*
 1669 James Davenant, *Coll. Or.*
 Alex. Pudsey, *Coll. Magd.*
 1670 Henry Smyth, *Ch. Ch. Coll.*
 John Hersent, *Coll. Nov.*
 1671 Alan Carr, *Coll. All-Souls*
 George Verman, *Coll. Exon.*
 1672 Thomas Crosthwaite, *Coll. Reg.*
 Abraham Campion, *Coll. Trin.*
 1673 Nath. Salter, *Coll. Wadh.*
 William Frampton, *Coll. Pemb.*
 1674 Thomas Huxley, *Coll. Jesus*
 John Jones, *Ch. Ch. Coll.*
 1675 Edward Wayte, *Coll. St. John*
 Bapt. Levintz, *Coll. Magd.*
 1676 Nath. Pelham, *Coll. Nov.*
 Nath. Wight, *Coll. Mert.*
 1677 Richard Warburton, *Coll. Braz.*
 James Hulet, *Ch. Ch. Coll.*
 1678 John Clerk, *Coll. All-Souls*
 Samuel Norris, *C. C. Coll.*
 1679 Hugh Barrow, *Coll. Ex.*
 Charles Hawles, *Coll. Magd.*
 1680 Rob. Balche, *Coll. Wadh.*
 John Halton, *Coll. Reg.*
 1681 Rich. Oliver, *Coll. St. John*
 Roger Altham, *Ch. Ch. Coll.*
 1682 William Dingley, *Coll. Nov.*
 Henry Gandy, *Coll. Or.*
 1683 Arthur Charlet, *Coll. Trin.*

- 1684 John Maffey, *Coll. Mert.*
 Phil. Clerk, *Coll. Magd.*
 1685 William Breach, *Ch. Ch. Coll.*
 Thomas Smith, *Coll. Braz.*
 1686 Edward Hopkins, *Coll. Linc.*
 John Walrond, *Coll. All-S.*
 1687 Thomas Bennet, *Coll. Univer.*
 John Harris, *Coll. Ex.*
 1688 Thomas Dunster, *Coll. Wadb.*
 William Christmas, *Coll. Nov.*
 1689 William Cradocke, *Coll. Magd.*
 Thomas Newey, *Ch. Ch. Coll.*
 Francis Browne, *Coll. Mert.*
 1690 Francis Bernard, *Coll. St. John*
 Christopher Wafe, *C. C. Coll.*
 1691 † James Gawyllym } *Coll. Bal.*
 Adam Lugg, }
 Benjamin Browne, *Coll. Braz.*
 1692 William Walker, *Coll. Or.*
 1693 Roger Altham, *Ch. Ch. Coll.*
 Richard Vesy, *Coll. Magd.*
 1694 Gabriel Barnaby, *Coll. Nov.*
 Stephen Napleton, *Coll. All-S.*
 John Bagwell, *Coll. Ex.*
 1695 John Waugh, *Coll. Reg.*
 1696 Henry Edmonds, *Coll. Trin.*
 William Baker, *Coll. Wadb.*
 1697 Charles Sloper, *Coll. Pemb.*
 Griffith Davis, *Coll. Jesus*
 1698 Edward Lilly, *Coll. St. John*
 Robert Friend, *Ch. Ch. Coll.*
 1699 Richard Watkins, *Coll. Magd.*
 Thomas Mompeffon, *Coll. Nov.*
 John Holland, *Coll. Mert.*
 1700 William Thompson, *Coll. Braz.*
 Richard Coleire, *Coll. All-S.*
 1701 John Pelling, *Ch. Ch. Coll.*

- John Cook, *Coll. Ex.*
 1702 Edm. Perks, *C. C. Coll.*
 Samuel Adams, *Coll. Magd.*
 1703 John Eyans, *Coll. Wadh.*
 Joseph Smith, *Coll. Reg.*
 1704 Thomas Smith, *Coll. S. John*
 Brune Bickley, *Coll. Nov.*
 1705 Peter Foulkes, *Ch. Ch. Coll.*
 George Carter, *Coll. Or.*
 1706 Edward Cranke, *Coll. Trin.*
 William Turton, *Coll. Magd.*
 1707 Henry Stephens, *Coll. Mert.*
 James Smethurst, *Coll. Braz.*
 1708 Thomas Terry, *Ch. Ch. Coll.*
 Robert Adderly, *Coll. All-S.*
 1709 William Vesey, *Coll. Linc.*
 William Denison, *Coll. Un.*
 1710 William Williams, *Coll. Ex.*
 William Bradshaw, *Coll. Nov.*
 1711 Thomas Girdler, *Coll. Wadh.*
 Seth Eyre, *Coll. Magd.*
 1712 William Periam, *Ch. Ch. Coll.*
 Henry Byne, *Coll. Mert.*
 1713 Edward Mofse, *Coll. St. John.*
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Royal Professors in Divinity.

1535	R Ich. Smyth, <i>S.T.P.</i>	1642	Rob. Sanderfon, <i>S.T.P.</i>
1548	Peter Martyr, <i>S. T. P.</i>	1648	Rob. Croffe, <i>S. T. P.</i>
1554	Richard Smyth <i>again</i>	1648	Joshuah Hoyle, <i>S.T.P.</i>
1556	Johannes Fraterculus	1654	John Conant, <i>S.T.P.</i>
1559	Idem Smyth	1660	Sanderfon <i>restored.</i>
1560	Laurence Humphrey	1661	Will. Creed, <i>S.T.P.</i>
1589	Thomas Holland	1663	Rich. Allestrie, <i>S.T.P.</i>
1612	Robert Abbot, <i>S.T.P.</i>	1680	William Jane, <i>S.T.P.</i>
1615	John Prideaux, <i>S.T.P.</i>	1708	John Potter, <i>S. T. P.</i>

Royal Hebrew Professors.

	T homas Harding, <i>A. M.</i>	1604	John Harding <i>again</i>
1548	Rich. Bruerne, <i>S.T.B.</i>	1610	Richard Kilbye, <i>S.T.P.</i>
1559	Thomas Neale, <i>S.T.B.</i>	1620	Edw. Meetkirk, <i>S.T.B.</i>
1569	Tho. Kingsmill, <i>A.M.</i>	1626	John Morris, <i>S.T.B.</i>
1591	John Harding, <i>S. T. B.</i>	1648	Edward Pocock, <i>S.T.P.</i>
1599	William Thorn, <i>A.M.</i>	1695	Thomas Hyde, <i>S.T.P.</i>
		1703	Roger Altham, <i>S.T.P.</i>

Royal Greek Professors.

	N ich. Harpsfield	1622	John South
	Geo. Etheridge	1625	Henry Stringer
	Giles Lawrence	1650	John Harmer
1553	George Etheridge	1660	Jos. Crowther
1559	Giles Lawrence	1665	William Levintz
1585	John Harmar	1698	Humphry Hody
1590	Henry Cuffe	1705	Thomas Mills
1597	John Perin	1707	Edward Thwaites
1612	John Hales	1712	Tho. Terry.
1619	John Harris		

Royal Professors of Civil Law.

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|------|------------------------------------|------|------------------------------|
| 1553 | J ohn Storey, <i>L.L.B.</i> | 1587 | Albericus Gentilis |
| | William Awbrey, | 1591 | John Budden, <i>L.L.D.</i> |
| | <i>L.L.D.</i> | 1620 | Rich. Zouch, <i>L.L.D.</i> |
| 1554 | William Mosse, <i>L.L.D.</i> | 1661 | Giles Sweite, <i>L.L.D.</i> |
| 1558 | John Griffith, <i>L.L.D.</i> | 1672 | Tho. Bouchier, <i>L.L.D.</i> |
| 1565 | Robert Loffer, <i>L.L.D.</i> | 1712 | Jam. Bouchier, <i>L.L.D.</i> |
| 1577 | Griffin Lloyd, <i>L.L.D.</i> | | |

Royal Professors in Physick.

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| 1554 | J ohn Warner | 1647 | Sir Thomas Clayton, |
| | Th. Francis, <i>M.D.</i> | | <i>M.D.</i> |
| 1561 | Walt. Baily, <i>M.B.</i> | 1665 | James Hyde, <i>M.D.</i> |
| 1582 | Anth. Aylworth, <i>M.D.</i> | | John Luffe, <i>M.D.</i> |
| 1597 | Barth. Warner, <i>M.D.</i> | 1697 | Thomas Hoy, <i>M.D.</i> |
| 1611 | Tho. Clayton, <i>M.D.</i> | | |

Margaret Professors.

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| 1497 | E dmond Wylsford, | 1567 | Edw. Cradocke, <i>S.T.B.</i> |
| | <i>S.T.P.</i> | 1594 | John Williams, <i>S.T.B.</i> |
| 1502 | John Roper, <i>S.T.B.</i> | 1613 | Sebast. Benefield, <i>S.T.P.</i> |
| | John Kynton, <i>S.T.P.</i> | 1626 | Sam. Fell, <i>S.T.P.</i> |
| 1530 | Wm Mortimer, <i>S.T.P.</i> | 1637 | Tho. Laurence, <i>S.T.P.</i> |
| 1540 | Hugh Weston, <i>S.T.P.</i> | 1648 | Fran. Cheynell, <i>S.T.B.</i> |
| | Christopher Goodman | 1652 | Hen. Wilkinson, <i>S.T.P.</i> |
| | John Smyth | 1660 | Tho. Barlow, <i>S.T.P.</i> |
| 1560 | Fr. Babington, <i>S.T.P.</i> | 1676 | John Hall, <i>S.T.P.</i> |
| 1562 | Herbert Westwhaling, | 1691 | Hen. Maurice, <i>S.T.P.</i> |
| | <i>S.T.P.</i> | 1691 | Tho. Sykes, <i>S.T.P.</i> |
| 1563 | James Calf-hill, <i>S.T.B.</i> | 1705 | John Wynn, <i>S.T.P.</i> |

Geometry Professors.

- 1619 **H** En. Briggs, *A.M.* 1649 John Wallis, *S. T. P.*
 1630 Peter Turner, 1703 Edm. Halley, *LL.D.*
M. D.

Astronomy Professors.

- 1620 **J** John Bainbridge, 1673 Edward Bernard
M. D. 1691 David Gregory, *M.D.*
 1643 John Greaves, *A. M.* 1708 John Cariswell, *A.M.*
 1648 Seth Ward 1712 John Keil, *M. D.*
 1660 Sir Chr. Wren, *LL.D.*

Professors of Natural Philosophy.

- 1618 **E** Edward Lapworth, 1675 Tho. Willis, *M. D.*
A.M. 1660 Sir Tho. Millington
 1636 John Edwards, *M. D.* 1703 James Farrer, *S.T.P.*
 1648 Joshua Croffe, *A. M.*

Moral Philosophy Lecturers.

- 1621 **W** Ill. Price, *A. M.* 1668 Nath. Hodges, *A. M.*
 1629 Thomas Bal- 1673 Abra. Champion, *A.M.*
 low, *A. M.* 1677 Baptift Levintz, *A.M.*
 1633 Edw. Fulham, *A. M.* 1683 Will. Halton, *A. M.*
 1638 George Gisby, *A. M.* 1687 John Bernard, *A. M.*
 1643 Joh. Berkenhead, *A.M.* 1688 Will Christmas, *A.M.*
 1648 Edw. Copley, *A.M.* 1693 Rog. Altham, *A. M.*
 1648 Hen. Wilkinson, *S.T.B.* 1698 Edw. Lilly, *A. M.*
 1654 Fran. Howell, *A.M.* 1703 Sam. Adams, *A. M.*
 1657 Will. Carpenter, *A.M.* 1708 Edw. Thwaites, *A.M.*
 1660 Fran. Palmer, *A.M.* 1711 Tho. Girdler, *A. M.*
 1664 Andrew Crispe, *A.M.*

History

History Professors.

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| 1622 | D Eg. Wheare, <i>A.M.</i> | 1660 | John Lamphire, <i>M.D.</i> |
| 1647 | Robert Wharing, <i>A.M.</i> | 1689 | Hen. Dodwell, <i>A.M.</i> |
| 1648 | Lew. du Moulin, <i>M.D.</i> | 1691 | Cha. Aldworth, <i>LL.D.</i> |

Anatomy Professors.

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|------|--------------------------------------|------|---------------------------|
| 1624 | T Thomas Clayton, <i>M.D.</i> | 1661 | James Hyde, <i>M.D.</i> |
| 1647 | Tho. Clayton, <i>M.D.</i> | 1666 | John Parys, <i>M.D.</i> |
| 1650 | William Petty, <i>M.D.</i> | 1669 | Tho. Jeamson, <i>M.D.</i> |
| | | | Steph. Frye, <i>M.D.</i> |

Arabick Professors.

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| 1636 | E Dw. Pocock, <i>S.T.P.</i> |
| | Edward Bernard |
| 1698 | John Wallis, <i>A.M.</i> |

C H A P. VI.

The Method of Proceedings in the Chancellor's Court.

IT having been before observed, that the Chancellor's Court of the University of *Oxford*, or (as commonly called) the Vice-Chancellor's Court, is a Court of great Antiquity, founded on Prescription and immemorial Custom; I will not here endeavour to trace the Beginning of its Jurisdiction, which (no doubt) was coeval with the University it self, and in Extent of Cognizance reaching to Matters of Equity as well as Law, as it has been frequently adjudged in the Courts at *Westminster*: And therefore I shall rather chuse to confine my self to the known Practice thereof, or (at least) to what ought to be the Method of its Proceeding, according to the Course of the *Civil* and *Canon* Laws, in Conformity with the Statutes of the University, and the Municipal Laws of the Realm, which surely ought to be always regarded, than presume to meddle with its Antiquity.

For the dispatch of Causes of greater moment herein controverted, this Court is held (at least) once a Week in Term-time, and in the Vacation too at the Vice-Chancellor's Pleasure, *viz.* every Friday in the Afternoon at the *Apodyterium*, or at any other Place to be assign'd by the University, over which the Vice-Chancellor presides as Judge, assisted with the two Proctors of the University (if they will attend) and also by an Assessor of his own Nomination and Appointment, who ought to be some Doctor or
Batche-

Batchelor of Laws, sufficiently able to direct and instruct him in the whole Order and Method of Judicial Proceedings ; and as he supplies the Vice-Chancellor's Absence, (which ought to be very seldom) all Acts of Court are then sped and insinuated in his Name.

It has been already said, that in the two Universities they hold Pleas by Custom and Charters confirmed by Act of Parliament, and proceed according to the Rules of the *Civil* Law in Civil Causes, and of the *Canon* Law in Ecclesiastical Causes : for such Proceedings do best suit with them, inasmuch as these Laws are written in *Latin*, and are there only studied and learnt *. And since by the Course of the *Civil* * *Pasch. 23.* Law, regularly no Debtor or Defendant in a *Car. 1. B. R.* personal Action ought to be arrested and imprisoned on any Civil Action (for a Goal is only a State for Criminals, and a Place of safe Custody) the Defendant first receives a Summons by the Mouth of the Mandatory, or some one of the University Beadles, if he may be found ; and if not, then the Mandatory, or the citing Beadle thereupon the next Court-Day makes a Return upon Oath in open Court touching such verbal Summons, by affirming, *the Defendant to have been diligently sought by him on such a Day and in such a Place* ; and then on the Plaintiff or his Proctor's Petition, after an Allegation of the Defendant's being diligently sought, the Judge decrees a Citation *viis & modis* for a Re-summons of him ; and then if he does not appear on the Return of this Citation into Court ; the Judge, upon a Motion at the Plaintiff's Instance, after Oath made by the Mandatory of the due Service thereof, decrees a Warrant to arrest and imprison the Defendant's Body, until he gives an Appearance in Court

Court, either by himself or his Proctor. And thus, after the Action is entred and register'd by the Actuary, the Foundation and Beginning of all Judicial Proceedings in this Court is by way of *Conventional* Citation or Summons, which is so necessary, that all Proceedings without it are null and void *ab initio*. This kind of Citation is threefold, *viz.* *First*, that which is made by the Mouth of the Mandatory, &c. *Secondly*, by Writing: And *Thirdly*, by an Arrest, which is stiled a *violent* or *real* Citation. A *monitory* Citation is made by the Judge *viva voce* in Court, when he admonishes any Party concern'd in Judgment (*ore proprio*) to appear to some special Matter in the Cause.

A Citation in Writing is both *Primary* and *viis & modis*, and each of these are the Citable Decrees of the Judge in Writing, under the Seal of the Court, with the Judge's Hand-writing to them; and hereby the Jurisdiction is perpetuated, if it should be afterwards deny'd or called in Question.

These Citations regularly ought to contain the Name of the Judge, the Christian and Surname of the Party cited; the Matter whereon he is cited; at whose Instance; the Day when and Place where he ought to appear; and lastly in Civil Causes, that he ought to appear by himself or his Proctor well and legally instructed to answer the Plaintiff in his Suit: And all Citations in this Court are peremptory after Contestation of Suit, or (as they say at Common Law) after Issue join'd in the Cause; and if either of the Parties litigant do then become contumacious, the Judge may proceed in the Cause *in pœnam sua contumacia*, without any further Citations, or by an Arrest, or by pecuniary Mulcts, or lastly by citing his Stipulator or Bail,

Bail, and pronouncing him to have incurred the Forfeiture of his Stipulation.

Because there may be several Exceptions against a Citation, the Defendant ought therefore to have a Copy of the same left with him; whereby he may learn whether any of the following Objections may be made thereunto, *viz.* The Incompetency of the Judges Jurisdiction; or, that there being more than one Judge, the Citation only runs in the Name of one of them, as in the Court of Delegates; or that the Citation does not express the Action, &c, or is made indeterminately as to Time and Place, &c.

If the Defendant be an Extraneous Person, or one suspected of Flight, or of absconding himself, he may be arrested by a Warrant, without any previous Citation, upon an Allegation of the Plaintiff in Writing, setting forth the Fact, and his Belief of the Truth thereof *in vim juramenti*: And a Person is said to be suspected of Flight, &c. when being immersed in Debt, he is of no Foundation or Society; or being of some Society, has been frequently in Contempt of the Court upon its Summons, &c. But if the Defendant, by concealing or withdrawing himself out of the Jurisdiction of the University, in Fraud of his Creditors, cannot be induc'd to an Appearance by a Citation, or compelled thereunto by a Warrant against his Person; the Judge decrees or grants a Warrant against his Goods, Sums of Money in the Hands of any Person within the University; or the Profits of his Fellowship, Scholarship, Studentship, Canonry, &c. upon the Plaintiffs Suggestion on Oath, touching his Belief of the Premises; that by this Warrant of Distress or Sequestration he may be forced to yield an Appearance. And if he shall not then appear with-

within the Space of a Year, and find Sureties for his due Attendance on the Court, either by himself or his lawful Proctor, till Sentence pronounce'd in that Cause, his Goods shall be sold, and the Money for them be deliver'd to the Plaintiff in Satisfaction of his Demand ; and if the Goods be perishable, they may be sold by the Judge's Decree sooner, and the Money for them ought to be lodged in the Court, or be put into the Plaintiff's Hands, on his giving Security to refund the same on the Defendant's timely Appearance to try the Cause : And if the Profits of a Fellowship, &c. be under Sequestration, by the Judge's Decree, the Plaintiff shall receive the same upon the like Security given. For after the Defendant has exhibited an Appearance, and put in Stipulation to try the Cause, and satisfy the Judgment of the Court, the Sequestration is relax'd on the Defendant's paying the Expences judicially tax'd.

In all Causes wherein the Matter in controversy exceeds not the Sum of 20 Shillings, the Proceedings ought to be *viva voce*, without any Libel, by a summary Petition, which ought to be heard *grosso modo* by the Defendant's immediate Answer thereunto, and by each Party's instant Production of Witnesses, if such shall be thought necessary on either side ; and on thus hearing the Matter, the Judge gives Sentence by an interlocutory Decree : But if the Matter in dispute be above this Summ, then the Plaintiff exhibits a Libel, and the Judge assigns the Defendant a Term to the next Court to receive a Copy thereof, and to join Issue thereon, if he will contend any further in the Cause. Note, That *Cause*, *Instance* and *Suit* are not the same Thing ; for the Word *Cause* extends it self to the whole Action, as well before as after Contestation

testation of Suit, comprehending both *Litem* and *Instantiam*; whereas the Word Instance only signifies that Part of the Action or Proceeding, which commences the Cause, and advances to Contestation of Suit; and the Word *Lis* or Suit properly signifies all that Part of the Action, which follows from Contestation of Suit to the End of the Cause; and thus properly to *renounce the Instance of a Cause*, is to depart from all the initial Acts of a Cause till Contestation of Suit; *renunciare liti* is to recede from all Proceedings from the Time of Contestation of Suit till the Diffinitive Sentence pronounc'd; and consequently *renunciare Causa* is to renounce all Judicial Acts done in that Cause, and to give up the Cause it self: But this Difference is not so strictly always observ'd among Lawyers, these Terms being often used promiscuously for each other.

In Civil Causes either of the Parties may recede from the Instance, Process or Suit, by simply renouncing the same, without the Leave of the Court; but it is otherwise in Criminal Pleas.

After Contestation of Suit, the Parties (if requir'd) take the Oath of Calumny, and the Plaintiff may produce the Defendant (as Party principal) to make Answer upon Oath touching the Contents of the Libel, if he thinks he can be relieved thereby; and if the Defendant does not answer fully and plainly thereunto, he may be compelled to it by an Imprisonment on his second Answer given into Court: And if the Defendant being produc'd shall refuse to answer, he may be taken *pro Confesso*. If the Defendant has any Defensive Plea or Matter to propound, he ought to exhibit the same at the Time he gives in his Answer in Writing; yet all dilatory
Excep-

Exceptions ought to be made before Contestation of Suit, if they shall then come to the Defendant's Knowledge, such as Recusation of the Judge, an Exception to the Plaintiff's Person, Libel, &c. altho' peremptory Exceptions be allow'd till Conclusion of the Cause, that is, until the Judge assigns *ad sententiandum primò*; for properly speaking there is no Conclusion in the Cause, the Proceedings in this Court being in a summary manner; and therefore Replications, Duplications, &c. ought not to be allow'd, which Practice (if observ'd) wou'd render the Proponents the more careful in drawing their Matters, and prevent many tedious Suits.

If the Plaintiff cannot be relieved by the Defendant's personal Answer in Writing, he may pray a Term-probatory to be assign'd him, viz. three Court-Days for the Production, Swearing and Examination of his Witnesses; and this Term is common to both Parties for the Proof of all such Pleas as have been exhibited: But in the Production of Witnesses, the Parties producent ought to take care, that they use no Witnesses to their prejudice: for the Deposition of the Producent's Witness will make very strongly against him, and frequently gives a Turn to the Cause. The Defendant is obliged to Proof, when he propounds any Act peremptory and destructive of the Plaintiff's Libel, as *Payment*, an *Acquittance*, a Release or Covenant *de non petendo*, Prescription, &c. Moreover the Defendant is bound to make Proof, when a Presumption or the Common Law is in the Plaintiff's Favour; but in all other Cases the Plaintiff is bound to make Proof of his Intention *libellate*, on the Defendant's Denial thereof: And this he may do either by Witnesses, or by publick or private Instruments in Writing, or by

Books of Account, Letters, &c. And if he proves nothing, he shall gain nothing by the Sentence ; for Proof is the very Life and Soul of all judicial Proceedings, and therefore Caution ought to be observed in framing the same.

Only Facts can be the Object of Proof, for the Law is left to be discussed by the Advocates, and pronounced by the Judge on these Facts : But as Facts impertinent and superfluous, *i. e.* such as are foreign to the Purpose, and neither help or incommode the Cause, ought not to be allow'd of in the Libel, so 'tis not needful to prove them ; nor is it necessary to prove Facts known to the Judge, *quatenus* Judge, or such as are confessed by the adverse Party. When both Parties are prepared to produce Witnesses or other Evidence, the Plaintiff, if he pleases, ought to have the Precedence ; nor can the Defendant be compelled to a Production, till the Plaintiff has either produc'd or refus'd to produce his Evidence : But on the Plaintiff's Delay, the Defendant may produce it sooner, if he desires Dispatch, the Term-probatory being common (as aforesaid.) The Species of Proof are various, *viz.* By-witnesses, Confession, Letters, Instruments, Schedules, Books, Epitaphs, publick Fame, with a Suppletory Oath, &c. Yet in Criminal Causes, publick Fame alone, without a living Witness, is not sufficient. But the strongest of all Proof next to the adverse Party's Confession, is Proof by the Deposition of Witnesses, regularly made, after Contestation of Suit ; for Witnesses cannot be produc'd before Issue joined, unless in some special Cases in our Law-Books remembered ; yet if Witnesses are produc'd and examin'd before Contestation of Suit, they ought to be re-examin'd, if they survive or afterwards return home, &c.

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Witnesses in all *Dilatory*, and in some *Peremptory* Exceptions, are examin'd before Contestation of Suit, and may also be produc'd and examin'd before any Proceedings are begun, when they are examin'd in *perpetuam rei memoriam*, thro' Fear of Death, or long Absence of a Witness, beyond Sea, &c. But Witnesses ought not to offer and present themselves; and if they do, they may be rejected by the Judge as suspected; for they ought to be asked by the Parties, tendring them their Journey-Expences, &c. And if they refuse then to appear and give their Depositions, they may be compelled by a Citation and Imprisonment in Civil Causes, and by a Citation and Excommunication in Ecclesiastical Causes: Yet they ought to be produced by the Parties, and not the Judge; but the Judge ought to give them safe and free Access to the Court, and a secure Retreat from thence: And as it is the Judge's Duty to swear them in the Presence of the Adversary (for they are no Witnesses without an Oath) so he may restrain the Number of them produc'd upon any Article or Position (as he shall see fit) above two and under seven.

All Witnesses by the *Civil* and *Canon* Law are examin'd separately and in private, and their Depositions ought to be taken in Writing by the Register of the Court, or some other Notary Publick, in the Presence of the Judge; and they may correct and amend their Depositions, if the Register or Notary does not write them according to their Intention, upon repeating their Evidence. Indeed it has not been usual of late Years in the Chancellor's Court to examine them in the Judge's Presence; but it is much to be wished, that this Practice, as well as the Law herein, were reviv'd, for the greater Honour

nour and Justice of the Court. Witnesses may be examin'd on Holidays, if produc'd and sworn before; or if within the Time of the Commission, they may be examin'd after the Determination of the Commission.

Instead of sending Articles or Positions (as formerly) to the Judge, for the Examination of Witnesses on them, the Parties producent now give Directions on what Articles or Positions of the Libel, or other Judicial Matter, they would have their respective Witnesses examin'd on: And if the adverse Party will have them cross-examin'd, he exhibits or sends in Interrogatories to be administred to them at the Time of their Examination: But the Party ministrant ought to be very careful, how he forms his Interrogatories, lest they prejudice his Cause. These Interrogatories are never given or communicated to the Party, against whom the Witnesses are produc'd, lest they should induce the Mischief of Subornation or perpetual Hatred to the Witnesses produc'd: And in drawing them great Regard ought to be had to the Persons, Manners, and the Affections of the Witnesses, who ought always to render a conclusive Reason for their Depositions, as that they saw him do so, or heard him say so, &c. else their Testimony is of no Validity. And lastly, Witnesses ought to be examin'd in their own known Mother Tongue; and if their Depositions taken shall be too general or obscure, &c. they may be requir'd to explain the same.

I shall not here meddle with the various Credit and Authority of Witnesses, it being too large a Field to travel over at present; and therefore I shall proceed to the Publication of the Depositions, which is done on each side after the Examination of their respective Witnesses,

nesses or the Term-probatory is elapsed; when the Judge, at the Parties Petitions, decrees of the same, to reprobate these Depositions, if possible, otherwise to proceed to Sentence after Informations had upon the Merits of the Cause; and then on the second Court-Day from the Publication of Witnesses, the Judge pronounces a Diffinitive Sentence in Writing attested by the Register of the Court and two Witnesses present; and therefore it ought to be read *alta voce*, otherwise the Register cannot say, it was read, &c.

It is to be noted, That if either of the Parties makes any special Protestation or Exception against the Production, Admission or Swearing of Witnesses, such Protestation or Exception ought to be made *apud acta Curia*, and immediately prov'd (if possible) before such Witnesses are admitted and sworn; otherwise they may be admitted and sworn, and their Veracity shall depend on the Merits of a general Protestation against their Persons, and the Party protesting shall not be allow'd to give or assign any special Matter afterwards against them: Nor shall he be suffer'd to propound any Plea after the Judge's Affignation *ad sententiandum secundò*; for 'tis concluded in the Cause, and the Conclusion cannot be rescinded, but in extraordinary Cases, on the Discretion of the Judge, whose Mouth is never shut hereby.

In Informations, which always ought to be in publick Court, for the Honour thereof, and for many other Reasons not so proper here to be given, the Plaintiff's Proctor begins the same with the Libel, and is follow'd by the Defendant's Proctor, according to the Order of the Judicial Process, and then the Depositions are read, first by the Plaintiff, and then by the Defendant,

dant, &c. and then the Advocates (if any retain'd) speak and argue thereon, *first* on the Fact, and *secondly* (if Occasion be) on Law: Nor can the Judge assign any other Place for these Informations, than the Place appointed by Statute for Judicial Matters, without Consent of Parties; and it is just Cause of Appeal, if he shou'd, since there is a Place assign'd for publick Judicature, and the Law abhors all private and clandestine Hearings.

The Judge pronounces his Sentence sitting on the Tribunal Seat in publick Court, and not standing; for this last Posture of the Body in a Judge at this time is also a just Cause of Appeal: And if there be many Judges (as in the Court of Delegates aforesaid) the Sentence is read by one in the Name of all the rest. The Substantials of a Diffinitive Sentence cannot be corrected, but the Judge may correct all other Sentences besides a Diffinitive one, nay even interpret and explain the obscure Passages of this, and the same Day add all Accidents and Concomitants to the Substance thereof, as Expences of Suit, &c. And here I must observe, That Condemnation in Expences is wont to be in a various manner; for sometimes only the Person cast, sometimes the Person obtaining Suit, and sometimes both of them, are jointly condemned in Expences; which Condemnation, Reservation or Compensation of Expences, is for the most part left to the Prudence and Discretion of the Judge, for which see the Law-Books more at large, *Damboud. Prax. Civ. p. 467, &c.* But a Diffinitive Sentence, as well as an Interlocutory Decree having the Force of a Sentence, may be reversed by an Appeal, first made to the Delegates of Congregation, and from thence to those of the Convocation, if

any in being; otherwise to the Congregation and Convocation it self: And if there be not then three conformable Sentences, a further Appeal may be made to her Majesty in her High Court of Chancery, who in Civil Causes is wont to grant a Commission of Delegacy to some of the Judges of the Realm, and certain Doctors of Law, for the Hearing and Determination thereof, and in spiritual Causes some of the Bishops are join'd with these in Commission: Yet if the Sentence be not appealed from within 15 Days, the Inferior Judge (called the Judge *a Quo*, or of the *first Instance*) may proceed to emit a Citation against the Party cast in Suit, to shew Reason why Sentence should not be demanded to Execution, and also to see a Bill of Expences taxed: And if there be on his Appearance no Reason alledg'd to the contrary, the Judge demands the same to Execution, taxes a Bill of Expences, and decrees a Monition for the satisfying of the Judgment, and for the Payment of Costs. But if the Sentence be appealed from, and this Appeal be received by the Proctors of the University, or either of them, with whom it ought to be lodg'd, within three Days after the Interposition thereof, the said Proctors, or one of them (at least) ought to issue out an Inhibition under their Hands, to be served on the Judge *a Quo*, on the Party Appellate, and on the Register of the Inferior Court, commanding them to proceed no further in that Court against the Appellant, *quousque, &c.* Which Inhibition regularly ought to be return'd to the Proctors again, or to the superior Court, and not be filed in the Court below, according to the present Practice, either through the Ignorance or Negligence of the Proctors, who by this means cannot so well punish the Contempt and Disobedience

bedience of that Court in proceeding after the Service thereof: And the procuring this Inhibition, is called prosecuting the Appeal; for thereupon the said Proctors do within a convenient time intimate the Appeal lodg'd with them to the Delegates of Congregation, who, by this Intimation, are requir'd to assemble on the Day therein assign'd them, and upon Oath to take on them the Office of Delegates named for this Purpose by the Proctors, with the Vice-Chancellor's Consent in the first Congregation after the Proctors Entrance on their Office, as the Delegates of Convocation are in the first Convocation; and if any of these Delegates for Causes shall die, or be absent, or be recused on any Cause of Suspicion, at the Time of such Appeal, the Proctors ought to name others in their Stead: For there must be three (at least) concurring to every Act, and four consenting to a Sentence. These Delegates meet every *Wednesday* in the *Apodyterium*, at One a Clock, as well in Term as in Vacation Time, to hear and decide Appeals principally according to the Laws, Statutes, and Customs of the University, and oftner if they think fit.

When they are assembled for this Purpose, the Party-Appellant prays them to hear his Appeal; and then exhibiting the same in the Place of a Libel, he moves them to decree a Citation for the Appearance of the Party-Appellate, and another to the Register of the Court below for the introducing the Process in the first Instance, either in their Originals, or by Copies thereof, on or against the Day of their next Meeting: And then if the Parties will proceed by the same Acts (for they may propound new Matter, and make new Proof) the Delegates assign them a Day for Informa-

tions on the Fact, and another (if need be) for Informations in Point of Law on the Merits of the Appeal; and then the next Day after such Informations, they pronounce Sentence either by confirming or reversing the Sentence appeal'd from, and then proceed to a Taxation of Expences, and to the demanding of Sentence to Execution, as in the first Instance aforesaid. *Note*, If the Delegates pronounce *benè appellatum & malè judicatum*, they never remit the principal Matter to the Judge *à Quo*; for, *qui semel gravavit, semper gravabit*, it being dangerous to trust him after the Provocation of an Appeal: But if the Sentence *à Qua* be confirm'd, the principal Matter in Controversy is remitted to the inferior Court for the Execution of the Sentence, &c.

In all Causes of Appeal from any Grievance irreparable (for from other Grievances the *Civil Law* forbids Appeals) the Appellant, in the Instrument of his Appeal, ought fully to deduce and express the Cause of his Grievance, in no wise necessary to be done in an Appeal from a diffinitive Sentence, or an Interlocutory Decree having the Force of such Sentence. It must be observ'd, that the *Fatale* of every Appeal runs, and is computed *à Momento ad Momentum*, from the Time of Sentence or Decree pronounc'd, to the Instant of interposing the said Appeal in the Presence of a Notary Publick, and two Witnesses attesting the same; and then, within three Days after, the Appellant carries it to the Proctors (as aforesaid) for an Inhibition thereupon, which is granted on his taking an Oath, that his Appeal is not frivolous; and on his depositing in the Proctors Hands the 20th Part of the Thing in Debate to the Use of the University (as Caution) in case he
be

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be cast in his Appeal, otherwise the Proctors return it again.

There are some Cases, wherein the Benefit of an Appeal is not allow'd by reason of the Atrocity of the Crimes committed, and the Offenders fortifying themselves in the midst of Tumults against the Authority of the Magistrate and the Laws, by the Assistance of the Law it self: And these Offenders are such as *Libellers, Fornicators, Adulterers, Drunkards, perjur'd Persons, Breakers of the Peace, Noctivagators, Wearers of Arms* contrary to the University Statutes, *all Persons refusing to appear before the Chancellor or his Commissary, &c. upon a legal Summons, or appearing come with a Multitude, or give him opprobrious Language, or refuse to go to Prison on his Warrant or Command, or frequent Conventicles, &c.* All these Persons are interdicted the Benefit of an Appeal from a Diffinitive Sentence, or Interlocutory Decree, having the Effect of such Sentence; provided the Judge imposes not a more grievous Punishment than the Statute inflicts, &c. yet the Party aggriev'd, by any undue and irregular Proceeding, may have a *Querela nullitatis*.

If any Person be guilty of a Breach of the Peace, or other enormous Crime (tho' committed within a private College or Hall) and be convicted thereof, by sufficient and legal Evidence, or be taken in *ipso Facto*, he shall be punish'd by the Statutes of the University, and imprison'd, till he makes Satisfaction to the injur'd Party, or gives Sureties for that End, if the local Statutes of such private Society prescribe no Punishment, or give no Satisfaction to the Party injur'd: And besides this, he shall have his Name, Crime, Condemnation, and Stipulation register'd in the Vice-Chancellor's

Black Book; so that if he be thereof convict a 4th Time, he may be expelled the University for ever.

If any Person be charg'd with a Breach of the Peace, or any other grievous Crime, or be probably suspected thereof, or taken in *ipso Facto*, he shall be imprison'd for Custody's sake; and if he refuses to yield Obedience to the Vice-Chancellor's Warrant, being a Student of any Degree whatever, he shall be expell'd the University; and if a privileg'd Person, he shall lose his Privilege; and if a Townsman, he shall be discommon'd, provided the Cognizance of the Crime appertains to the Chancellor: But even in this Case the Criminals are allow'd to put in Stipulation or Bail for their Appearance in Court, and Continuance thereof until Sentence; and if they cannot find Sureties, the Vice-Chancellor ought to bring them within two Days by a statutable Examination thereof. If the Proctors carry a Criminal to Goal (as they may do in the Night time for the Sake of Custody) they ought the next Day, under the Pain of false Imprisonment, to denounce the Cause thereof to the Vice-Chancellor; for the Goaler cannot keep him a Prisoner above 24 Hours without the Vice-Chancellor's Warrant, under the said Penalty.

In such Cases, wherein 'tis doubtful, an Appeal shall be admitted, or the Vice-Chancellor, within three Days from the Interposition of the Appeal, shall name two Doctors, who have been Proctors, (if resident in the University) else two other Doctors; and the Proctors on their Part shall name two of the same Condition, or two Masters of Arts, who have been Proctors, and these with the Professor of Law, or (in his Absence) the Senior Graduate in this

this Faculty present, shall, in a summary Manner, *sola rei inspecta veritate*, determine by a major Part of them, whether the Appeal shall be admitted or rejected by the Proctors, wherein they ought to favour the Appeal as much as possible; for that all Laws prohibiting Appeals are odious, inasmuch as they are against *Common Right*, and therefore ought to be restrain'd. See p. 95.

In a Civil Cause, where the Defendant's Person cannot be arrested for his Contempt, either because he absconds, or has privily withdrawn himself out of the Jurisdiction, he may be arrested by his Goods, Monies, or the Profits of his Fellowship, &c. (as before remembered) with an Original Warrant; whereunto is added a Citation to summon him in *special*, and all others in general, having, or pretending to have any Right, Title or Interest in the said Goods, Money, &c. to appear such a Day in such a Cause, &c. After the Mandatory has executed this Warrant and Citation on the Goods, &c. of the Defendant, he makes a Return thereof into Court upon Oath, certifying the same with a Schedule of the Goods, &c. arrested, and when and in what Place he serv'd the said Warrant and Citation: Then the Plaintiff's Proctor exhibiting his Proxy in Writing, or at the Acts of Court, (as in other Cases) gives in the Original Warrant with a Certificate indors'd on it; whereupon the Plaintiff's Proctor (after the Defendant, &c. have been thrice called over by the Cryer) accuses their Contumacy, and prays that they may be reputed contumacious; and in Pain of such their Contumacy decreed *incidisse in primam defaultam*, (for they must be in three Defaults before the Judge decrees a Sequestration) and then

then the Proctor prays a Continuance of the Certificate of the said Warrant *in prox.* After the 4th Default, (which is super-abundant) the Plaintiff's Proctor offers the first Decree, (as usually called) and alledging all things to have been done as therein contained, prays Justice may be administer'd to his Client by admitting him into the Possession of the Goods, &c. arrested; which the Judge accordingly admits, on Proof of the said Allegation, by Reading and Signing the said Decree; and then taxing a Bill of Expences, Decrees a Monition for the Payment thereof, and for letting the Plaintiff into Possession of the Defendant's Goods, &c. *Note*, That every *necessary* Sequestration is a kind of Execution in Law, and therefore full Proof ought to be made of the Debt, Contract, &c. but 'tis otherwise in a *voluntary* Sequestration, through the Consent of the Party himself.

If a third Person appears as Proprietor of the Goods arrested, for his Interest in these Goods, &c. e're the first Decree is pronounc'd, he ought to pay the Expences of Suit to the Time of such Decree before he shall be heard, and then he may alledge and propound his Interest, giving Sureties to abide by the Judgment of the Court, and to pay the Expences of Suit in case he shall not prove his Interest: Yet pending this Suit, the Goods, &c. arrested shall continue under Sequestration; and if he shall prove his Interest in them, they shall be adjudg'd to him, and the Plaintiff condemn'd in Costs. But if the Party claims his Interest after pronouncing the said Decree, he shall not be heard without first paying all Expences taxed at the Time of the Decree pronounc'd, and then he may alledge and propound as aforesaid:

Yet

Yet the Party thus intervening ought then to cite the Party principal (if living;) for his Proctor has discharg'd his Office, and his Proxy ceases.

In all Civil Causes, a Proxy ought to be exhibited before Contestation of Suit; for hereby the Proctor becomes *Dominus Litis*: But 'tis otherwise in Criminal Causes, wherein the Defendant can have no Proctor, until after Contestation of Suit; and not then without the Judge's Affignation, tho' Practice has generally prevail'd on the contrary. In Criminal Causes, let the Promoter's Proctor take care how he exhibits Articles in his own Person, least he shou'd not be able to prove the same; and then an Action will lie against him, unless, by the *meer Office* of the Judge, he be assign'd a necessary Promoter, and then the Action is against the Judge, if his Prosecution be malicious, false and calumnious.

In all Pleas, or Matters judicially exhibited, the Proponent ought to be clear, concise, pertinent and conclusive in framing the same, not using general and ambiguous Terms: And in drawing of Libels and judicial Petitions, a concluding Petition is as necessary as the Position founding the Jurisdiction of the Judge; tho' it be otherwise in Criminal Causes, wherein the Law it self concludes; and therefore there is no need of a Conclusion. Every Conclusion of a judicial Plea is pertinently drawn from the Premisses, and form'd according to the Style of the Court; and since the whole Force of the Sentence depends thereon, great Care ought to be taken in forming of this Conclusion; for the Judge ought to pronounce according to the Tenor thereof, and not of the Premisses: And if the Plaintiff in the Conclusion
of

of his Libel do's not make a proper conclusive Petition, the Judge by his Sentence cannot give what was not before asked by the Plaintiff; so that the Conclusion virtually contains all the Premises: For what was before deduc'd in the Premises by a long Narration, is now in a more contracted manner cover'd in the Conclusion. But the Observance of a Conclusion is not so necessary in the Defendant's Plea, because it is sufficient for him to form and alledge Exceptions against the Plaintiff's Petition or Premises as they are set forth; yet Practice has made it necessary for the Defendant also to frame a Conclusion from the Premises of his defensive Matter.

The Defendant, in drawing his personal Answer, and in repelling the Positions of the Plaintiff's Libel, ought to observe many Cautions: *As First*, That these Answers are exhibited in Writing; for 'tis of great Use and Advantage to the Defendant thus to give in his Answer, since he may not hereby be twice interrogated on the same Position, or Article, which ought not to be, whether confessed or denied. *Secondly*, The Respondent ought to be more prone and ready to deny than confess, especially when the Positions depend on the Respondent's Fact, who may confess or deny the same with the greater Assurance of Truth through his Privity thereunto; and then 'tis the Plaintiff's Duty to prove the same. *Thirdly*, The Defendant is not bound to Answer to such Facts as are not express'd or understood in his Oath; for he is only oblig'd to answer to the principal Question, and not to uncertain, superfluous, obscure, or impertinent Positions, nor to any negative, general, criminal, captious, or prejudicial Position, nor to any

Po-

Position founded upon Law, or that requires the Answer of another Person, nor to any one that contains in it self many Articles, or to an unnatural one, &c. And thus much of judicial Pleadings in general according to the Practice of this Court. I shall only further take Notice of the Recusation of the Judge through Occasion of Suspicion; which Occasion (God knows) happens too frequent in Courts through the Malice, Partiality, and other evil Passions of some Judges. In the Year 1706. Dr. Tho. Wood, now Rector of *Hardwick* in *Buckinghamshire*, being then Assessor of this Court, after he had privately raked after Business for a malicious Prosecution, and had in a very undecent Manner defam'd one of the Proctors of the said Court, wou'd not be recus'd as a Judge suspected of Hatred; for notwithstanding an Allegation given in Writing, and Arbitrators named on the Recusant's Part, the said Doctor proceeded in the Cause under the Perswasion of being an *Ordinary Judge*, altho' hardly a *Delegated* one: Yet, according to the vulgar Acceptation, he was well enough qualify'd for that Title. But upon an Appeal to the Convocation, the Delegates annull'd all his Proceedings, and revers'd his unjust and wicked Sentence; whereupon it was appeal'd to the Queen in Chancery, where the Sentence of the aforesaid Delegates was approv'd and confirm'd, the Court declaring, that the Vice-Chancellor and his Assessor might be both recus'd for good Reasons: And so this great Lawyer being discomfited notwithstanding his Brazen Wall, (I mean not his Conscience) was oblig'd to retire to his Living in the aforesaid Country, where, I hope, he will do himself and Neighbours
more

more good by his Preaching, than he has done himself and the World Service by his *Poetry, Civil, Common, and Canon Law*, which he has profess'd at different Seasons. It is to be noted, That all recusatory Allegations in temporal Causes are in Writing, but otherwise in Spiritual Causes.

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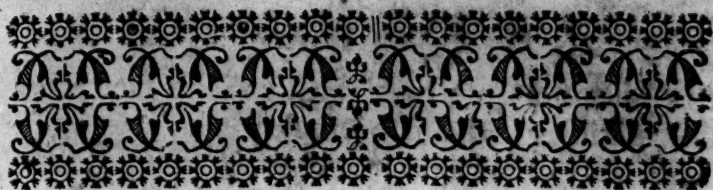
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Appendix.

Diploma Arthurianum Cantabrigiæ concessum.



Rthurus regali à Deo fultus dignitate, omnibus suis salutem. Quia omnipotens Deus per misericordiam clementiæ, absque ullo antecedente merito, sceptrum regis mihi largitus est, libenter ei ex

Anno 531:

eo quod dedit retribuo : Idcirco ejus gratiâ eruditus pro amore cælestis patriæ remedioque animarum antecessorum meorum Britanniae regum, pro augmentatione insuper reipub. regni meæ Britanniae, ac profectu spiritali scholarium in lege Domini jugiter Cantabrigiæ studentium, consilio & assensu omnium & singulorum Pontificum & Principum istius regni, & licentiâ sedis Apostolicæ statui præsentiscripto & firmiter decerno, ut civitas scholarium prædicta (ubi hætenus splendorem scientiæ & lumen doctrinæ gratiâ favente conditoris, mei prædecessores acceperunt) à publicis vectigalibus & operibus onerosis absolvatur, ut quietudine Doctores inibi & scholares valeant doctrinæ studio inhærere, sicut gloriosus Rex Britanniae Lucius decrevit, Christiani-

fianitatem amplectens prædicatione Doctorum Cantabrigiæ. Quamobrem sint Scholares atque Doctores Cantabrigiæ manentes in tranquillitate perpetuâ tuti, privilegiisque muniti regalibus, cum suis rebus & familiaribus ab omnibus sæcularibus servitutibus, nec non à regalibus tributis majoribus seu minoribus. Datum anno ab incarnatione Domini 531. septimo die Aprilis in civitate Londinensi.

Honorii primi Bulla Cantabrigiæ concessa.

Anno 624.

Honorius Episcopus servus servorum Dei, dilectis filiis Doctoribus & Scholaribus in Universitate Cantabrigiæ studentibus, salutem & Apostolicam benedictionem. Dilectissimi in Christo filii, non absque labore & plurimâurbatione didicimus, quomodo multitudine nefandâ Paganorum Universitas vestra olim celeberrima vehementer affligitur. Quorum pravitate nonnulli propriæ salutis immemores, luporum faucibus & vulpinâ facie, libertates & privilegia, quæ vobis & prædecessoribus vestris in eadem Universitate studentibus gratiosè indulgit sedes Apostolica, moluntur enervare. Ita quòd plures ecclesiarum præpositi absque rationis jure minùs justè in vos jurisdictionem indebitam & insolitam usurpantes, quanquam non consueverunt hætenus, ad Universitatem vestram accedunt, materiam perturbationis & discordiæ seminantes, non correctionis, emendationis, aut reformationis ibidem officia exercentes contra inhibitionem sedis Apostolicæ. Volentes igitur, ut tenemur justitiâ suadente, paci & tranquillitati Universitatis paternâ sollicitudine salubriter providere, ubi clementiâ salvatoris, poculum

lum doctrinæ salutaris scientiæ hausimus tunc agentes in minoribus, prædecessorum nostrorum Romanæ Ecclesiæ Pontificum, Eleutherii, Fabiani, Simplicii, Felicis, & Bonifacii vestigiis debitè inhærentes, autoritate omnipotentis Dei districtius inhibemus sub pœnâ excommunicationis quam veniens in contrarium ipso facto incurrat, ne quis Archiepiscopus, Episcopus, Archidiaconus, aut eorum Officiales seu Visitatores generales aut speciales à sede Apostolicâ deputati, audeat in aliquem vestrum suspensionis vel excommunicationis seu interdicti sententias inferre, aut vos seu familiares vestros molestare præsumat, sed Cancellarius cum Rectoribus de consilio saniorum & seniorum vestræ Universitatis secundum statuta vestra corrigere & emendare studeat, charitate semper mediâ, secundum quod magis expedire videritis : si quis verò subditorum vestrorum statutis vestris contraire præsumpserit, aut contempserit observare, eum ecclesiasticâ sententiâ percellatis. Quam scilicet sententiam rationabiliter latam, tam à Diocesano Episcopo, quàm ab aliis inconcussam usque ad condignam cum humilitate & pœnitentiâ satisfactionem præcepimus observari. Decrevimus etiam quòd nulli omnino hominum liceat hanc paginam nostræ concessionis, voluntatis, exemptionis & libertatis infringere vel ei aliquatenus contraire : si quis verò hoc attemptare præsumpserit, indignationem omnipotentis Dei se noverit incursum. Scriptum apud Sanctum Petrum, anno ab Incarnatione Verbi 624. 20 die mensis Februarii.

Sergii primi ad Cantabrigiam Rescriptum sive Bulla.

Anno 689.

Sergius Episcopus servus servorum Dei, dilectis filiis, Doctoribus & Scholaribus Universitatis Cantabrigiæ, in Angliâ studentibus, salutem & Apostolicam benedictionem. Quoniam fama bonæ opinionis, in doctrinâ fidei orthodoxæ vestræ Universitatis ubique terrarum diffunditur, & experti sumus, ut vobis gratiam faciamus, inducimur justitiâ suadente. Ea propter, dilecti in Domino filii, vestris piis & honestis, justisque postulationibus annuentes, paci & tranquillitati vestræ Universitatis almæ, ubi odor devotionis cum labore sanctitatis adesse solebat, sollicitè volentes providere, præsentium auctoritate decrevimus, ut nulli Archiepiscopo seu Episcopo, aliæve ecclesiasticæ personæ vel sæculari liceat Universitatem vestram aut aliquem vestrum suspendere seu excommunicare, vel quolibet sub interdicto ponere, absque summi Pontificis assensu, vel ejus mandato speciali: prohibemus insuper, ne quis privilegia vobis à sede Apostolicâ gratiosè concessa, vel indulta, ausu temerario infringere seu restringere præsumat vel attemptet; nulli igitur hominum liceat, hanc paginam nostræ concessionis & exemptionis infringere, vel ei quovismodo contraire. Siquis autem hoc attemptare præsumperit, indignationem omnipotentis Dei & beatorum Apostolorum Petri & Pauli, se noverit incursum. Scripta Romæ in Ecclesiâ Lateranensi, anno ab incarnatione Verbi 689. tertio die mensis Maii.

Charta

Charta Roberti de Olleyo.

NOtum sit fidelibus sanctæ Ecclesiæ tam præsentibus quàm futuris, quod ego Robertus de Olleyo, volentibus & concedentibus Aldithâ uxore meâ & fratribus meis Nigello & Gilberto, dedi & concessi, & in hac præsentî Chartâ meâ confirmavi in puram & perpetuam eleemosynam Deo & Ecclesiæ S. Georgii in castello Oxenford, & Canonicis in eâ Deo servientibus, & eorum successoribus (quam Ecclesiam ego fundavi) pro salute regis Henrici & incolūmitate totius regni, nec non & pro meâ ac uxoris & fratrum parentum & amicorum nostrorum salute, omnes res, tenementa, decimas & possessiones subscriptas, videlicet Ecclesiam Sanctæ Mariæ Magdalenæ quæ sita est in suburbio Oxenford, cum tribus hidis terræ in Walton, & pratis & decimis eidem Ecclesiæ pertinentibus, &c.

*Breve seu Præceptum Henrici III.
Majori & Ballivis Oxon. transmissum.*

REX Majori & Ballivis suis Oxon. salutem. Sciatis quòd pietatis intuitu concessimus, quòd omnes publicæ meretrices & concubinæ Clericorum quas cepistis & prisonâ nostrâ detinetis, eò quòd contra provisionem nostram inventæ fuerunt in villâ vestrâ Oxon. deliberentur sub tali formâ. Quòd publicæ Meretrices statim post deliberationem suam, villam nostram exeant; concubinæ verò Clericorum tenementa

Anno 1234.

nementa habentes in eâdem villâ, si juramentum vobis præstiterint, & securitatem vobis fecerint, quòd de cætero honestè se gerent, non habito accessu ad Clericos, cum quibus sic captæ sunt & detentæ, post deliberationem suam liberè & sine impedimento stent in eâdem villâ, & ibidem morantur. Aliæ verò, domos aut possessiones in eâdem villâ non habentes, villam exeant, ibidem ulterius non moraturæ. Et ideo vobis præcipimus, quòd tam publicas meretrices quàm concubinas Clericorum in formâ prædictâ deliberetis. Teste Meipso apud Westmonasterium, decimo die Julii, anno regni nostri 18vo, annoque Dom. 1234.

*Charta Henrici tertii pro cognitione
placitorum Universitati Oxon. concessa.*

Anno 1244.
Claus. 28. Hen.
3. M. 6. A. fol.
53. a. B. 17. b.
C. 79. a. &c.

Henricus Dei gratiâ rex Angliæ, Dominus Hiberniæ, &c. Noveritis, Nos pro quiete Studentium Universitatis Oxon. de speciali gratiâ nostrâ concessisse Cancellario & Universitati prædictæ, quòd quamdiu nobis placuerit in causis Clericorum ex mutuis datis aut receptis aut taxationibus seu locationibus domorum aut equis conductis, venditis seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus, in municipio aut suburbio Oxon. factis, nostra prohibitio non currat. Sed hujusmodi coram Cancellario Universitatis, non obstante prohibitione nostrâ, decendantur lites. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste Meipso apud Rading, decimo die Maii, anno regni nostri vicesimo octavo.

Alia

*Alia Charta Henrici III. Universitati
Oxon. concessa.*

ANNO regni Regis Henrici filii Regis
Johannis 32do, 29^o die Maii, præsentibus
apud Woodstock tam Procuratoribus Scholarium
Universitatis, quàm Burgenſibus Oxon. idem
D. Rex conceſſit eiſdem Scholaribus libertates
ſubſcriptas, viz. Quòd ſi inferatur injuria præ-
dictis Scholaribus, fiat inde inquiſitio tam per
villas vicinas, quàm per Burgenſes prædictos.
Et quòd ſi ipſi Burgenſes interficiant aliquem de
Scholaribus Oxon. vel in aliquem ipſorum in-
ſultum faciant, vel alicui ipſorum gravem inju-
riam inferant, Communitas ejusdem villæ per ſe
puniat & amercietur; & Ballivi per ſe, & non
cum Communitate eàdem puniantur & amerci-
entur, ſi negligentes vel dolum fecerint in exe-
quendo officium ſuum contra illos, qui hujus-
modi injurias prædictas Scholaribus inferunt.
Et quòd Judæi Oxon. nōn recipient à Scholari-
bus prædictis pro librâ in ſeptimanâ niſi duos
denarios, & ſimiliter fiat in minori ſummâ ſe-
cundùm ſuam quantitatem, alioquin prædicti Ju-
dæi puniantur juxta-constitutionem regni. Et
quòd quotieſcunque & quandocunque Major &
Ballivi Oxon. Sacramentum Fidelitatis præſta-
bunt in loco ſuo communi, Communitas ejusdem
villæ denunciet Cancellario, ut per ſe vel per
aliquas perſonas Eccleſiaſticas præſtationi jura-
menti prædicti, ſi voluerit, interſit: quod qui-
dem juramentum tale erit quoad Scholares præ-
dictos, viz. quod ipſi Major & Ballivi conſer-
vabunt libertates & conſuetudines Universitatis
prædictæ, alioquin non valeat juramentum ip-
ſorum, ſed iterum præſtetur ſecundùm formam
præſcriptam.

Anno 1248.
In turri Schol.
EE n. 2. ſub
ſigil. clauſ. 32
Hen. 3. M. 9.
E in Rotul.
chart. per mod.
inſpex. 52.
Hen. 3. M. 6.
A. 51. b. C.
77. b. E &c.

*Charta alia Henrici III. Universitati
Oxon. concessa & transmissa.*

Anno 1255.

HENRICUS Dei gratiâ Rex Angliæ, Dominus
Hiberniæ, Dux Aquitaniæ & Normanniæ,
Comes Andegaviæ, omnibus ad quos præsentem
literæ pervenerint, salutem. Sciatis quòd ad
pacem & tranquillitatem, nec non ad utilitatem
Universitatis Scholarium Oxon. providimus &
concessimus, quòd quatuor Aldermanni fiant in
Oxon. & octo de legalioribus Burgenfibus ejus-
dem Villæ associantur ipsis Aldermannis, qui
omnes jurent nobis fidelitatem, & sint assisten-
tes & consulentes Majori & Ballivis nostris Oxo-
niæ ad pacem nostram conservandam, ad assizas
dictæ villæ custodiendas, & ad investigandum Ma-
lefactores & Perturbatores pacis nostræ, & vaga-
bundos de nocte & Receptores Latronum & Ma-
lefactorum, & corporale præstent sacramentum,
quòd omnia prædicta fideliter observabunt. In
qualibet autem parochiâ villæ Oxon. sint duo ho-
mines electi de legalioribus parochianis, & jurati
quòd in quâlibet Quindenâ inquirent diligenter,
ne quis suspectus hospitetur in parochiâ, & si a-
liquis receptaverit aliquem per tres noctes in
domo suâ, respondeat pro eo. Nullus Regra-
tarius emat victualia in villâ Oxon. vel extra
villam versus villam venientia, nec aliquid e-
mat, nec iterum vendat ante horam nonam; &
si fecerit, amercietur, & rem emptam amittet.
Si Laicus inferat Clerico gravem vel enormem
læsionem, statim capiatur; & si magna sit læsio,
incarceretur in castro Oxoniæ, & ibi detinea-
tur, quousque Clerico satisfiat, & hoc arbitrio
Cancellarii Universitatis Oxon. si Laicus pro-
tervius fuerit; si minor vel levis sit injuria, in-
carceretur

carceretur in villâ. Si Clericus inferat gravem & enormem læsionem Laico, incarceretur in prædicto castro, quousque Cancellarius prædictæ Universitatis ipsum postulaverit. Si minor vel levis injuria, incarceretur in carcere villæ, quousque liberetur per Cancellarium. Pistores & Braciatores Oxoniæ in primo transgressu suo non puniantur; sed in 2do transgressu habeant judicium de Pillorio. Quilibet Pistor habeat sigillum suum & signet panem suum, per quod possit cognosci cujus panis sit. Quicumque de villâ braciaverit ad vendendum, exponat signum suum, alioquin amittat Cervisiam. Vina Oxon. communiter vendantur indifferenter tam Clericis quàm Laicis, ex quo imbrochiata fuerint. Tentatio panis fiat bis in anno, viz. in quindenâ post festum Sancti Michaelis, & circa festum Sanctæ Mariæ in Martio, & Assiza fiat eisdem terminis secundum valorem Bladi & Brasii, & quotiescunque debeat fieri tentatio panis & cervisiæ, interfit Cancellarius prædictæ Universitatis, vel aliqui ex parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint; quod si non interfint, nec super hoc requisiti fuerint, nihil valeat tentatio prædicta. In cujus rei testimonium, has literas nostras eidem Universitati fieri fecimus patentes. Teste Meipso apud Woodstock, 18vo. die Junii, anno regni nostri 39º.

Breve Regis Henrici Majori & Ballivis Northampton transmissum.

REX dilectis & fidelibus suis Majori & Ballivis, & cæteris probis hominibus suis de Northampton, salutem. Cùm quidam Magistri & alii Scholares proponant in Municipio morari ad scholasticam disciplinam ibidem exercendam

Anno 1250.

ercendam (ut accepimus) nos cultum divinum & regni nostri utilitatem majorem ex hoc attendentes, adventum prædictorum Scholarium & moram suam ibidem acceptamus. Volentes & concedentes quòd prædicti Scholares in Municipio prædicto sub nostrâ protectione & defensione, salvò & securè morentur, & ibidem exerceant & faciant ea quæ ad hujusmodi Scholares pertinent. Et ideò vobis mandamus firmiter præcipientes, quod ipsos Scholares cùm ad vos venerint commoraturi in municipio prædicto, recommendatos habentes, ipsos curialiter recipiatis, & prout statum decet scholasticum tractetis; non inferentes eis vel inferri permittentes impedimenta, molestiam, aut gravamen. In cujus rei testimonium, &c.

Subscriptio.

Et mandatum est universis Magistris & aliis Scholaribus venturis ad municipium prædictum, quòd Rex adventum ipsorum in Municipium prædictum, ad Scholasticam disciplinam ibidem exercendam affectat. Et Rex vult & concedit, quòd sub suâ protectione & defensione, salvò & securè morentur in Municipio prædicto, & ibidem exerceant & faciant quæ ad ipsos pertinent.

*Breve seu Præceptum Henrici III.
Majori & Civibus Northampton.*

Anno 1264.

REX Majori & Civibus Northamptoniæ salutem. Cùm occasione cujusdam magnæ contentionis triennio jam elapso subortæ, nonnulli Clericorum tum ibidem studentium unanimiter ab ipsâ villâ recessissent se usque ad villam

lam nostram Northamptoniæ transferentes, & ibidem studiis inhærendo, novam construere Universitatem cupientes, Nos illo tempore credentes villam illam ex hoc posse meliorari, & nobis utilitatem non modicam inde pervenire, votis dictorum Clericorum ad eorum requisitionem annuebamus in hac parte : Nunc autem cùm ex relatu multorum fide dignorum veraciter intelleximus, quòd ex hujusmodi Universitate (si permaneret ibidem) municipium nostrum Oxon. quod ab antiquo creatum est, & à progenitoribus nostris regibus Angliæ confirmatum, ac ad commoditatem studentium communiter approbatum, non mediocriter læderetur, quòd nullâ ratione vellemus, maximè cùm universis Episcopis terræ nostræ ad honorem Dei, & utilitatem Ecclesiæ Anglicanæ, & profectum studentium, videatur expedire, quòd Universitas amoveatur à villâ prædictâ, sicut per literas suas patentes accepimus, vobis de consilio Magnatum nostrorum firmiter inhibemus, ne in villâ nostrâ Northampton. aliquam Universitatem esse, nec aliquos ibidem studentes manere permittatis, &c. Dat. 1 mo die Feb. anno regni 49.

*Rob. Grosthead Commissio Officiali suo
R. de Marisco, &c.*

R. Dei Gratiâ Lincoln. Episcopus, dilecto in Christo filio Magistro R. de Marisco Canonico Lincoln. Officiario suo salutem, gratiam, & benedictionem. Scripserunt nobis dilectus in Christo filius Cancellarius, & Universitas Oxon. quòd die Apostolorum Philippi & Jacobi quidam de Burgenfibus Oxon. cuidam
scho-

scholari nobili & bonæ conversationis transeunti
 ferò per Ecclesiam S. Martini Oxon. obviantes,
 finè causâ, vel commisso, sicut dicitur, plagas
 horribiles & mortales intulerunt, qui cum nite-
 retur evadere, carnifices & quidam alii cum
 frustis carniû, & intestinis, ac suis spurcitiis
 eundem sœdaverunt, & alii contumeliis ipsum
 affectum lapidibus obruerunt, ita quòd in ostium
 Ecclesiæ *Omnium Sanctorum* semianimis cecidit,
 & in domum suam pendulis brachiis bajulatus,
 die tertiâ summo manè miserabiliter expiravit.
 Ballivi quoque villæ prædictæ remedium in hâc
 parte non adhibentes, dictos occisores per vicos
 incedere publicè, sicut dicitur, more solito col-
 loquentes eisdem permiserunt, quousque dictus
 Clericus expirâisset, adhuc eosdem nocentes ad
 Ecclesiam B. Martini, ubi salvò tutèque resi-
 dent, cum armis conduxerunt; propter quæ
 Universitas prædicta taliter est commota, quòd
 ab omnibus Lectoribus tam ordinariis quàm ex-
 traordinariis cessantes, juraverunt, quòd ni
 competens in hâc parte vindicta sumatur, cum
 sæpius cõsimile contigerit, nec hucusque vin-
 dicatum fuerit, omnino à studio Oxon. rece-
 dent, nec permittunt corpus dicti Clerici sepul-
 turæ tradi, sed ad hujusmodi facti memoriam
 corpus inhumatum reservant, quousque à Do-
 mino Rege, & à Nobis, responsum optatum re-
 ceperint. Et quòd nec de veritate hujusmodi
 facti nobis priùs legitimè constaret, in personam
 alicujus, aut Comitatum, certam non posse-
 mus condemnationis alicujus ferre sententiam,
 Vobis mandamus, quatenus sine quolibet moræ
 dispendio ad villam Oxon. personaliter acce-
 dentes, summam excommunicationis in genere
 in omnibus & singulis Ecclesiis ejusdem villæ
 candelis accensis & pulsatis campanis solenniter
 & publicè promulgari faciatis in omnes illos,
 qui

qui pacem Ecclesiæ & Universitatis prædictæ perturbantes, in dictum Clericum manus violentas iniecerunt, & ictus & plagas mortales eidem intulerunt, ac opem, consilium, favorem aut consensum tam enormis facti perpetrationi impenderunt. Postmodum verò, assumptis vobiscum viris discretis, ac Deum timentibus, vocatis vocandis per viros fide-dignos, idoneos & juratos, diligentem & exactissimam faciatis super præmissis inquisitionem, quâ quidem solenniter publicatâ, & compositione inter Universitatem & Burgenfes per bonæ memoriæ Dominum *N. Tusculanens.* Episcopum Apostolicæ sedis Legatum dudum factâ, quæ residet apud *Osneium*, diligenter inspectâ, quos secundum dictam inquisitionem dicti facinoris reos inveneritis, unâ cum fautoribus & auctoribus eorum, vice & autoritate nostrâ, habito virorum sapientum consilio, animadversione canonicâ taliter puniatis, quòd tam processus vester in hac parte, quàm vestra demum de eâdem sententia definitiva, canonicis undique fulciatur institutis, vosque propter hoc tam à Deo quàm ab hominibus meritò possitis & debeatis propensius in domino commendari. Datum apud *Parcum Stom*, 8. Id. Maii, Pontificii nostri anno 13.

Exemptio Scholarium Oxon. à Jurisdictione Archiepiscopali & Episcopali per Bonifacium Octavum.

Bonifacius servus servorum Dei, ad perpetuam rei memoriam : Dignum censemus Anno Dom. 1300.
ut personis literarum studiis insistentibus, per quas divini hominis, & fidei Catholicæ cultus protenditur, justitia colitur, tam publica quàm privata

privata res geritur utiliter, omnisque prosperitas humanæ conditionis augetur, favores gratiosos & opportuna commoditatis & libertatis auxilia liberaliter impendamus: Exhibita siquidem nobis pro parte dilectorum filiorum Cancellarii, Magistrorum, Doctorum & Scholarium Universitatis Studii Oxon. Lincoln. Diocesis, petitio continebat, quòd olîm nonnulli claræ memoriæ reges Angliæ, qui fuerunt pro tempore, pro majori pace, quiete & tranquillitate studentium in eodem studio ipsis Magistris, Doctoribus & Scholaribus nonnulla privilegia per clarissimum in Christo filium nostrum regem Angliæ illustrem postmodum confirmata, & inter alia concesserunt, quòd Cancellarius dicti studii pro tempore existens haberet omnimodam quorumcunque contractuum vel quasi factorum, necnon punitionem seu correctionem delictorum commissorum pro tempore, infra limites Universitatis prædictæ, ubi saltem altera partium, scholaris vel serviens ejus, aut aliàs, jurisdictioni Domini Cancellarii subiectus est; ita quòd nullus scholaris præfati studii, vel serviens ipsius, seu de hujusmodi jurisdictione Domini Cancellarii existens, occasione præmissorum, vel alicujus eorundem, etiam per brevia regia, extra Universitatem præfatam trahi posset; tribus casibus, videlicet Homicidio, Mutilatione, & libero Tenemento duntaxat exceptis: quodque Magistri, Doctores & Scholares, vigore concessionum hujusmodi, in pacificâ possessione vel quasi privilegiorum fuerint à tempore cujus contrarii memoria non existit. Quare pro parte Magistrorum, Doctorum, & Scholarium præmissorum, Nobis humiliter fuit supplicatum, ut iis similem concessionem facere, eosque ab omni jurisdictione, dominio & potestate quorumcunque

Archi-

Archiepiscoporum, Episcoporum, & aliorum
Judicum ordinariorum eximere, de dignitate
Apostolicâ dignaremur: Nos igitur hujusmodi
supplicationibus inclinati, scholares & alias
personas jurisdictioni Cancellarii dicti studii pro
tempore existentis subiectos, in ipso studio pro
tempore degentes, etiam si fuerint in sacris ordi-
nibus constituti, seu Beneficia Ecclesiastica ob-
tineant, aut quorumcunque ordinum etiam
Mendicantium vel aliâ sede Apostolicâ exemp-
ti fuerint, quamdiu in dicto studio degerint,
ab omni jurisdictione, dominio, vel potestate
quorumcunque Archiepiscoporum, etiam Lega-
torum natorum dictæ sedis, necnon Episcopo-
rum & aliorum ordinariorum judicum, quoad
contractuum initorum vel quasi nec non exces-
sum, criminum & delictorum infra hujusmodi
limites præfatæ Universitatis commissorum cog-
nitionem, & ipsorum excessuum ac delictorum
& contractuum, vel quasi correctionem & puni-
tionem, unâ cum ipso Cancellario, quoad præ-
missos duntaxat non, ut præfertur, exceptos
casus & omnes actus scholasticos autoritate
Apostolicâ tenore præsentium eximimus & to-
taliter liberamus, ipsos scholares & personas
alias, quamdiu in præfato studio, ut præfertur,
degerint, prædicto Cancellario subijcimus: ita
quod idem Cancellarius de contractibus initis,
ac de excessibus delictorum, & criminibus com-
missis per scholares & alias personas hujusmodi,
cognoscere, & punire, & omnimodam jurif-
dictionem etiam ecclesiasticam & spiritualem
in eisdem scholares, & personas alias exercere,
liberè & licitè valeat, secundum statuta & pri-
vilegia & consuetudines prælibati studii felices
recordationis Innocentii Papæ quarti, Prædeces-
soris nostri, circa exemptos edita, quæ incipit,
Volentes, & aliis constitutionibus Apostolicis
con-

contrariis non obstantibus quibuscunque. Nos enim Excommunicationem & Interdicti sententias, & quoscunque processus, quas & quos, contra præfatum Cancellarium & scholares, & alias personas dicti studii, contra tenorem & formam exemptionis & liberationis promulgari & haberi contigerit, decrevimus irritos & inanes: jurisdictione tamen & potestate Cancellarii & Universitatis, ac Collegiorum ejusdem statutis & consuetudinibus, privilegiis & libertatibus, illis præsertim quibus caveri dicitur, quod in præmissis Procuratores & Congregatio Magistrorum dictæ Universitatis in hujusmodi Cancellarium jurisdictionem habeat, in omnibus semper salvis: Nulli ergo omnino hominum liceat hanc paginam nostræ exemptionis, liberationis, subjectionis & constitutionis infringere, vel ei ausu temerario contraire: si quis autem hoc attemptare præsumperit, indignationem omnipotentis Dei & beatorum Petri & Pauli Apostolorum ejus se noverit incursum. Dat. Romæ apud sanctum Petrum, secundo Idus Junii, Pontificatus nostri anno sexto.

Bulla Johannis 21mi Papæ ad Cantabrigienses.

Ann. 1378.

Johannes Episcopus, servus servorum Dei, dilectis filiis Universitatis Cantabrigiæ, Eliensis Diocesis, salutem & Apostolicam benedictionem. Inter singula quæ gratâ nos oblectatione lætificent, grandi cor nostrum reficitur gaudio, & lætitiâ exultat exoptatâ, cum eos qui cœlesti sunt providentiâ præditi ad populorum regimen & regnorum, ad communem subditorum suorum profectum intentos aspici-

mus,

mus, ipsosque ad publicæ utilitatis bonum sollicitos: sanè charissimus in Christo filius noster Edvardus rex Angliæ illustris prudenter attendens quòd multitudo sapientum, salus est regnorum, quodque non minus prudentum consilio, quàm fortium strenuitate virorum, regentium & regnorum moderamina disponantur, apud Cantabrigiam Eliensis Diœcesis locum, in regno suo multis commoditatibus præditum & insignem, desiderat vigere studium generale, & quod à Doctoribus & docendis in posterum frequentetur, humiliter postulavit à nobis ut studium ab olim ibi ordinatum, & privilegia à Romanis Pontificibus prædecessoribus nostris, vel regibus qui fuerint pro tempore eidem concessa, Apostolico curemus munimine roborare. Nos igitur suæ intentionis propositum, dignis in Domino laudibus commendantes, ejusque supplicationibus inclinati Apostolicâ autoritate statuimus ut in prædicto loco Cantabrigiæ, sit de cætero studium generale. Volentes autoritate prædictâ, & etiam decernentes, quòd Collegium Magistrorum & Scholarium ejusdem studii, Universitas sit censenda, & omnibus juribus gaudeat, quibus gaudere potest & debet Universitas quæcunque legitimè ordinata: cæterùm omnia privilegia & indulta, prædicto studio rationabiliter à Pontificibus & Regibus prædictis concessa, autoritate prædictâ confirmamus. Nul- li igitur omnino liceat hanc paginam nostri statuti, voluntatis, constitutionis & confirmationis infringere, vel ausu temerario contraire: Siquis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, & beatorum Petri & Pauli Apostolorum, noverit se incursum. dat' Avinionæ 5to Idus Julii, Pontificatûs nostri anno 2do.

*Charta Edvardi II. pro mutuâ Oxoni-
ensis & Parisiensis studii societate.*

*Ibid. M. 13.
N. 23.*

SANCTISSIMO in Christo Patri Johanni divinâ providentiâ sacrosanctæ Romanæ ac universalis Ecclesiæ summo Pontifici, Edvardus eâdem gratiâ rex Angliæ, Dominus & Dux Aquitaniæ devota pedum oscula beatorum. Sanè intelleximus hanc dudum à fælicis memoriæ Domino † Bonifacio Papâ 8vo Prædecessore vestro Universitatibus regni Franciæ gratiam fuisse concessam, ut omnes qui gradum Magistralis honoris in quacunque facultate assecuti fuerint, in iisdem possint ubique terrarum lectiones resumere & easdem continuare pro suâ libito voluntatis, absque novæ examinationis vel approbationis præiudiciis, seu debito iterandi principii aut petendæ gratiæ cujuscunque. Verum quia dubium non est (secundum veterum testimonia scripturarum) Gallicanum studium ab Anglicanis nostris originale traxisse principium, constatque talem Apostolicæ dispensationis gratiam, in Anglicani studii redundare dispendium, si Universitas nostra Oxon. cum prædictis Universitatibus regni Fran-

† Inter eximia gratiarum donaria quibus regnum nostrum Angliæ manus altissimi mirificè stabilivit, summo meretur attolli præconio & favoris cujuscunque insigniri præsidio sublimis illa sapientialis studii dignitas, quæ in Oxon. Universitate continuatis viger successibus & floruit ab antiquo. Ipsa namque ut mater fecunda prolem innumeram procreare non desinit, cujus scientialis claritas cæteros irradiat & illustrat. Ipsa etiam velut vitis fructifera palmites suos circumquaque diffundit, qui siti- bundis ecclesiæ filiis salutaris doctrinæ pocula copiosè ministrant, & de virtutum celario totam lætificant domum Dei.

ciæ in libertatibus & scholaſticis actibus non concurrat, ſanctitati veſtræ affectuoſâ instantiâ ſupplicamus, quatenus ad pacem mutuam inter viros ſcholaſticos nutriendam, Universitatem prædictam Oxon. conſimili velitis privilegio decorare : Nos ſiquidem gauderemus ſi in noſtri & Universitatis noſtræ prædictæ favorem, quod à providentiâ veſtrâ depoſcimus, exaudiretis gratioſè : quia valdè nobis moleſtum foret, ſi tanta Universitas aliqua noſtris adverſa temporibus pateretur, aut ad inſolitam ſervitutem redigetur. Conſervet, &c. teſte Rege apud Weſtm. vicesimo ſexto die Decembris.

SANCTISSIMO in Chriſto Patri (ut ſupra) devota pedum oſcula beatorum. Dilectum Clericum noſtrum Magiſtrum Johannem Lutterell ſacræ Theologiæ Doctorem, Cancellarium Universitatis Oxon. veſtræ ſanctitati pleno commendamus affectu, rogantes quatenus eidem Clerico noſtro in negotiis ex parte ipſius veſtræ ſanctæ paternitati plenius exponend' gratiæ finem aperire, voſque ſuper felici expeditione eorundem reddere dignemini gratioſos. Conſervet voſ, &c. Teſte Rege apud Windelſ. 27^o die Decembris.

Ibid. pro Magiſtro Johanne Lutterell, Cancellar. Universitatis Oxon.

Breve Edvardi II. Vice-com. Oxon. de Prædicantibus, &c.

REX Vic. Oxon. ſalutem. Petitionem dilectorum nobis Cancellarii & Universitatis villæ Oxon. coram nobis in Conſilio noſtro in præſenti Parlamento noſtro apud Ebor. convocato, exhibitam recipimus, continentem, quod cum dictus Cancellarius per chartas progenitorum noſtrorum quondam Regum Angliæ, habeat cogniti-

Claus. 12 E.II. intus pro Cancellar. & Universitate Oxon.

ones de quibuscunque transgressionibus infra villam prædictam & suburbium ejusdem scholaribus seu Clericis ejusdem villæ, aut per ipsos scholares seu Clericos aliis factis, exceptis Mortis & Mahemii, & idem Cancellarius pacem nostram ibidem manutenere debeat & conservare, tanquam Minister noster: ipseque & Prædecessores sui in officio illo cognitiones hujusmodi virtute Chartarum prædictarum, exceptis Mortis & Mahemii, habere, & pacem nostram ibidem tanquam Ministri nostri conservare consueverint temporibus retroactis. Fratres tamen Prædicatores in eadem villâ commorantes, de transgressionibus per ipsos ibidem perpetratis se per præfatum Cancellarium justitiam non permittunt, prætendentes se per privilegia Papalia ab ejusdem Cancellarii jurisdictione liberos debere esse & immunes, unde frequenter in eadem Universitate tumultus oritur, & contentiones variæ suscitantur, & tranquillitas Universitatis prædictæ plurimum conturbatur. Super quo petierunt per nos congruum remedium adhiberi. Nos itaque attendentes ea quæ ad jurisdictionem nostram spectant temporalem: Maximè in his quæ ad conservationem pertinent pacis nostræ, per privilegia Papalia non debere nec posse diminui seu etiam aboleri; tibi præcipimus, quòd non obstantibus privilegiis prædictis, præfato Cancellario qui nunc est, vel qui pro tempore erit, in his quæ ad cognitionem seu punitionem transgressionum prædictarum & conservationem pacis nostræ pertinent, pareas & intendas, prout hactenus fieri consuevit. Teste Rege apud Ebor. 24^o die Novembris.

Per Petitionem de Consilio.

Epistola

*Epistola Edvardi 2di Regis Angliæ
Johanni summo Pontifici.*

SANCTISSIMO in Christo Patri Domino Johanni *Rot. Rom. an. 11. E. 2. M. 14. inus pro Universitate Oxon.*
divinâ providentiâ sacrosanctæ Romanæ & universâlis Ecclesiæ summo Pontifici, Edvardus ejusdem gratiâ Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, devota pedum oscula beatorum. De fructu salutarî qui ex Universitate Oxon. infra regnum nostrum & ibidem studentibus, ad exaltationem Ecclesiæ & consolidationem ac augmentationem fidei catholicæ, nec non ad nostri & dicti regni laudis præconium & utilitatum incrementa indies crescit & multiplicat, gaudere decet ecclesiam, & præ cæteris *Anglicanam*; ex eo etiam quod idem regnum nostrum decoratur Jocali tam nobili, collectamur; desiderantes eandem Universitatem, quæ regiam magnificentiam multipliciter honorat, & eo prætextu in regiâ benevolentiam recumbit speciali, nostris intercessionibus apud vestram Beatitudinem favoribus propitiis attolli, & utilibus gratiis communiri. Quocirca Sanctitati vestræ humiliter supplicamus quatenus in his quæ Cancellarius, Magistri & Scholares Universitatis prædictæ erga vestram clementiam pro honore & commodo ejusdem Universitatis habuerunt prosequend' eis dignemini finum liberalis gratiæ aperire, & supplicand' gratiosius exaudire. Conservet vos altissimus per tempora prospera & longæva. Dat' apud Leicest. 13^o die Julii, anno regni undecimo.

*The Order of Edw. III. commanding
the Friars to renounce and suspend
the Execution of all Papal Bulls.*

*Parl. 40. Ed-
3. Num. 9, 10,
11.*

ET issint mesme le lendemain les Universi-
teez de Oxenford & Cantebrigg, & les
Freres de quadre ordres Mendicantz complei-
nantz par leur Peticions mis devant le Roy en
Parlement, sur diverses outrages, debatz, da-
mages & Meschiefs faitz & attemptez d'un part
& d'autre, les Chancellers & Procurours des
ditz Universiteez, & les Provinciales & Mini-
stres des ditz Ordres adonques presentz, & foi
submittantz de tout en l'Ordinance du Roi;
Estoit assentu & ordeine par le Roi de l'Assent
des Prelatz, Ducs, Countes & Barons, sur les
ditz debatz, damages, outrages & Meschiefs
de tout ouster & adnuller en manere desouth
escrite. Nostre Seignur le Roi en ce Parle-
ment eue Deliberacion plein & avys oue les
Prelatz, Grantz, & Sages de son Counseil, sur
diverses grevances, outrages, controverses & de-
batz mevez perentre les Universiteez de Oxen-
ford & Cantebrigg d'un part, & les quadre Ordres
de Freres Mendicantz d'autre part : & monstrez
a lui per leur Peticions en mesme Parlement sur
pluseurs Pointz de Privileges & Immunitiez cla-
mez d'un part & d'autre, en presence des Chan-
celliers & Procurours des ditz Universiteez, eantz
plein pour de ditz Universiteez, & de Provinci-
ales & Ministres de ditz Ordres, eantz plein pour
de ditz Ordres, & eux submittantz de leur bon
gree en haut & bas, & sanz ascun retenue ou Re-
servacion al Ordinance nostre dit Seignur le Roi,
des pointz de grevances, controverses & debatz,
mues

mues entre eux celle partie de l'assent des ditz Prelatz, Nobles, Grantz & Sages, en mesme le Parlement, pur aise, quiete & tranquillite des ditz Universiteez, & des Estudiantz en ycelles, ad ordeine, voet & commande, que les Chancellers des ditz Universiteez, Maistres, Regentz & Non-regentz, & toutz autres des ditz Universiteez, les Freres des ditz Ordres illeques demurrantz & a demurrer, tretent & amennent en graces & toutes autres choses que touchent fait descoler, & les Freres ensement cecient & contienent devers les Universiteez & chescune persone d'ycelle honestement, saunz rumour, & amiablement en toutes choses, selonce ce & en manere come soloient & fesoient devant l'Estatut fait nadgairs en les ditz Universiteez contienent, que nul des ditz Ordres recevroit en leur ditz Ordres Escolers de les ditz Universiteez deinz l'age de 18 anns, quele Estatut le Roi voet que soit oustez & tenu pur nul. Et que nul novel Estatut semblable, ou Ordinance soit fait en mesmes les Universiteez qui soit prejudiciele as avantditz Freres saunz bon & mature deliberacion. Et aussi voet le Roi, que l'Execucion de touz les Impetracions des Bulles & Proces, faitz ou poursuite ou affaire ou persuer en temps avenir en la Court de Rome, & aillours par les Freres des ditz Ordres, ou nul persone singulere de ycelles en general ou especial, cointre la dite Universitee, ou ascune persone d'ycelle, puis la fefance du dit Estatut, cesse de tout, & soit mys a neant. Et ensement, que mesmes les Freres renoncien de fait & parole a tout avantage que prendre peussent per vertu de touz tieux impetracions faitz per eux ou nul de eux cointre les ditz Universiteez, ou ascune persone d'ycelles, en general ou especial, & proces si nul soit

commence ou fait, celle partie sur mesmes les Impetracions puis la dite Ordinance de l'Estatut fait per les ditz Univerfiteez, encea de tout cessent & perdent force & vigour.

Prohibitio Regis, Archiepisc. &c. de Collegiis visitandis.

Pat. 17. Ric. 2.
Pars 1. M. 27.
Dors. de Pro-
hibitione Ox-
on.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Offic. Cancellar. Præcentoribus, Præpositis, Sacristis, Præbendariis in Ecclesiis Cathedralibus sive Collegiatis, & omnibus aliis personis Ecclesiasticis in quâcunque dignitate vel officio constitutis, nec non notariis publicis quibuscunque ad quos &c. salutem. Cum in statutis & ordinationibus Collegii vocati *La Queenhalle* in Oxon. quod de nostro patronatu existit, *inter cetera continetur*, quod Archiepiscopus Eborum pro tempore existens statum Collegii prædicti supervidere, Præpositumque ejusdem cum electus fuerit, confirmare, & in quibusdam casibus deponere, ac discordias & contentiones omnimodas ibidem quæ per Præpositum & Scholares Collegii prædicti commodè sedari non possunt, censere debet & terminare. *Ac jam Archiepiscopus & Prædecessores sui à primævâ foundatione Collegii prædicti*, in possessione visitationis & jurisdictionis ejusdem, absque eo, quod aliquis ordinarius, nisi idem Archiepiscopus & deputandi ab eodem, officium visitationis sive jurisdictionis, vel aliquam aliam Jurisdictionem ordinariam in Collegium prædictum seu Præpositum aut Scholares, seu Ministros ejusdem hucusque exercere consueverat: Sunt nonnulli nitentes jus nostrum regium enervare, ac * Coronam nostram in hac parte exhæredare, nec non statuta & ordinationes hujusmodi

* Nota.

huiusmodi annullare, & ipsum Archiepiscopum & deputand' ab eodem quo minùs ipsi huiusmodi jurisdictionem habere possint, impedire, quamplures processus ad Collegium prædictum per alios quàm per prædictum Archiepiscopum, seu deputandos ab eodem visitari, & jurisdictionem ordinariam in prædictum, ac Præpositum & Scholares, nec non ministros ejusdem exerceri faciend' persecuti fuerunt, & indies sequuntur, & ipsos Præpositum, Scholares, & Ministros eâ de causâ multipliciter inquietant & molestant minùs justè, *ut accepimus*, in nostri contemptum & præjudicium, & † juris nostri † *Nota.* regii annulationem & Coronæ nostræ exhæredationem, & jurisdictionis prædicti Archiepiscopi annulationem manifestam : Nos jura Coronæ nostræ regiæ, ac Jurisdictionem ipsius Archiepiscopi in hac parte illæsa observare, & huiusmodi præjudicialibus obviare volentes, vobis & cuilibet vestrum districtè quo possumus prohibemus, ne quicquam in nostri contemptum vel præjudicium, aut Coronæ nostræ regiæ exhæredationem, seu jurisdictionis ipsius Archiepiscopi in hac parte annulationem seu derogationem, seu ipsorum Præpositi, Scholarium & Ministrorum in hac parte, inquietationem seu molestationem cedere valeat, attemptetis, seu attemptare præsumatis quovismodo. Et siquid per vos vel aliquem vestrùm in hac parte minùs ritè attemptatum sive factum, id sine dilatione aliquâ revocetis & revocari faciatis sub periculo quod incumbit. In cujus, &c. T.Rege, apud Westm. 26 die Junii.

Breve

*Breve Regis Cancellario Universitatis
Oxon. de summonitione Doctorum,
&c. ad examinandum errores &
Hæreses Wiclivi.*

*Claus. 19. Ric.
2. pars 1. M.
20. de quodam
Libro vocat.
Trialogus ex-
aminando.*

† *Nota.*

REX Cancellario Universitatis suæ Oxon. salutem. Famâ celebri divulgante nostris auribus jam noviter est intimatum, quòd quàm plures opiniones nephariæ & allegationes detestabiles in quodam libro ex compilatione Johannis Wyclif Trialogus vulgariter nuncupato, hæreses & errores notoriè includentes, ac sacris determinationibus & canonicis sanctionibus sanctæ Matris Ecclesiæ, & maximè consecrationi sacramentali multipliciter repugnantes, continentur & conscribuntur, ex quorum publicatione & vesanâ doctrinâ populus Christianus, qui ex allectione & instigatione latentis inimici pronior est ad malum quam ad bonum, & præsertim his diebus, quod absit, infici potest, & per consequens dampnabiliter labi & decidere in errores, unde non modicum esset condolendum. Nos zelo fidei Catholicæ, cujus † sumus & erimus Deo dante Defensores, salubriter commoti, nolentesque hujusmodi hæreses aut errores infra terminos nostræ potestatis, quatenus poterimus, sustinere, imo pro eis penitus resecandis & delendis brachium sæculare apponere cupientes: *Vos in fide & ligeantiâ, quibus nobis tenemini sub forisfacturâ omnium quæ nobis forisfacere poteritis, iungimus & mandamus, quatenus omnes & singulos Doctores Theologiæ ejusdem Universitatis, Regentes & non Regentes, ad certos dies eis per vos ex parte nostrâ præfigendos & statuentes, convocari, & librum illum in præsentia vestrâ*

strâ & eorundem Doctorum præsentari, & publicè & expressè perscrutari, perlegi & examinari, nec non quoscunque hærefes & errores quos vos in libro prædicto per vos & eosdem Doctores reperiri contigerit, in scriptis redigi & intitulari faciatis, & Nobis de omnibus & singulis, quæ in præmissis senseritis seu inveneritis, unâ cum singulis attestationibus & opinionibus Doctorum prædictorum in Cancellariam nostram sub sigillo vestro distinctè & apertè sine dilatione reddatis certiores, ut his inspectis & maturè ponderatis, ulterius de avifamento consilii nostri ordinare valeamus, prout pro fulcimento fidei catholicæ & defensione regni nostri fore viderimus salubrius faciendum. Teste Rege apud *Ledes*, 18vo die Julii.

Per ipsum Regem & consilium.

Aliud Breve Regis ad idem.

REX Cancellario Universitatis suæ Oxon. salutem. Cum, prout ex certâ relatione sanè didicimus, quidam iniquitatis filii, suæ salutis immemores in Universitate prædictâ commorantes & scholatzantes, & præsertim Robertus Lychlade qui prophanè conversari permittitur in eâdem, opiniones nepharias ac conclusiones & allegationes detestabiles fidei Catholicæ multipliciter repugnantes in Universitate illâ ac aliis locis clandestinis diu publicaverint, communicaverint, & docuerint, & tanquam Zizania in populo seminaverint, & adhuc publicare, communicare & docere intendunt dampnabiliter & iniquè, in fidei Catholicæ læsionem, & Universitatis prædictæ subversionem evidentem, nisi brachio regiæ Majestatis citius resistatur.

Ibid. M. 24. intus. De Lollardis & aliis Hæresin prædicantibus extra Universitatem amovendis.

tur. Nos, ne populus regni nostri (cujus regimen nobis ab alto committitur) per hujusmodi opiniones nefarias, ac conclusiones & allegationes detestabiles, latentis inimici nequitiam indies invalescente, quomodolibet inficiatur, desiderantes Universitatem illam, quæ rore & deliciis scientiæ liberalis, & virtute hætenus potissimè reflorebat, ab hujusmodi erroribus quatenus poterimus expurgari: Vobis præcipimus firmiter injungentes, quòd omnes & singulos Lollar-dos, & alios pravitate hæreticâ notoriè suspectos, in Universitate prædictâ commorantes, & præsertim præfatum *Robertum*, si per inquisitionem vel alio modo legitimo ipsum talem coram vobis reperiri contigerit, qui eandem Universitatem, tanquam ovis morbida, gregem inficere formidatur, ab eadem Universitate amoveri & expelli, & rebelles quos in hac parte inveneritis, coram nobis & consilio nostro de tempore in tempus duci faciatis, ut tunc pro eorum punitione ordinare valeamus, prout de avisamento dicti consilii nostri fore viderimus salubriùs faciendum. Teste Rege apud *Ledes*, 18^o die Julii. Per ipsum Regem & Consilium.

Charta Edvardi tertii Universitati Oxon. concessa, gerens dat. 27^o Junii.

Pat. 29. Edu. 3.

*Num. 5. Et in
p. N. N. in
turri schol.*

Num. 5. a, b, c.

Et in A. fol.

13, Et c. per

mod. inspex.

Et in B. 9. C.

87. eod. modo.

EDVARDUS Dei gratiâ, &c. Ordinamus & concedimus pro nobis & hæredibus nostris, & in hac chartâ nostrâ confirmamus, quòd Cancellarius ipsius Universitatis, & successores sui, & eorum vices gerentes, ioli & in solidum, & in perpetuum, in villâ Oxon. & suburbiis ejusdem habeant custodiam

diam Affizæ panis, vini & cerviziæ, ac correctionem & punitionem ejusdem, cum finibus, amerciamenti & proficuis aliis provenientibus in hac parte, reddendo nobis & hæredibus nostris centum solidos annuatim, viz. 50 sol. ad scaccariam nostram Mich. & 50 sol. ad scaccariam nostram Paschæ. Concedimus etiam quòd Cancellarius solus & in solidum, ac successores sui, &c. habeant custodiam Affizæ & Affaia, nec non supervisum mensurarum & ponderum in dictâ villâ Oxon. ac suburbiis ejusdem: ita quòd ipse Cancellarius, vel ejus vices gerens, quoties opus fuerit, dicta mensuras & pondera supervideat, & ea quæ falsâ invenerit, comburi & destrui faciat, nec non transgressores, quos in hac parte invenerit, debitè puniat & castiget: ita tamen quòd forisfacturæ, & alia proficua inde provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori & Ballivis dictæ villæ, levandas per eos in auxilium firmæ suæ villæ prædictæ, sicut & prout hætenus est obtentum.

Item concedimus eidem Universitati, quòd Cancellarius qui nunc est, & successores sui, vel eorum vices gerentes in perpetuum, soli & in solidum habeant potestatem inquirendi & cognoscendi de Forstallatoribus & Regratariis, Carnibus & Piscibus putidis, vitiosis, & aliis incompetentibus, in dictâ villâ Oxon. & suburbiis ejusdem, & super his punitionem debitam faciendi: sic tamen quòd forisfacturæ & amerciamenta inde provenientia per ipsum Cancellarium adjudicentur, & Hospitali nostro sancti Johannis dictæ villæ liberentur, prout est fieri consuetum. Et licèt Major, Ballivi, Aldermanni, seu alii homines dictæ villæ & suburbiorum ejusdem, de præmissis non debeant se intromittere; volumus tamen & mandamus, quòd super

super his omnibus & singulis Cancellario dictæ Universitatis, qui pro tempore fuerit, pareant humiliter & intendant.

Item, Ad terrorem & vindictam malorum, ac securitatem & solatium bonorum ibidem proficentium, ordinamus & concedimus pro nobis & hæredibus nostris, quòd Cancellarius dictæ Universitatis, qui pro tempore fuerit, Scholares & Laicos ibidem contra statuta Universitatis arma portantes & delinquentes, per incarcerationem & aliàs castigare debite valeat, & punire; & arma, quæ sic contra dicta statuta portata fuerint, ut sibi commissa & forisfacta, modo consueto petere, capere & habere: ac hujusmodi delinquentes obstinatos & rebelles coram dicto Cancellario, in casibus ad cognitionem suam spectantibus, comparere & juri stare non curantes, à dictis Universitate & Villâ bannire, & aliàs contra eos per censuras ecclesiasticas procedere, prout in casibus consuetum est fieri temporibus retroactis.

Item, Cùm ad dictam Universitatem (ad quam tam Nobilium quàm Popularium, alienigenarum & indigenarum, multitudo confluit) deceat munditia & honestas; volumus quòd careriæ & vici dictæ villæ, & suburbiorum ejusdem, à fimis, sordibus, & fætoribus, mundi conserventur & honestè, amotis truncis, lignis, & aliis pro transitu libero, honestate & munditiâ nocituris: & quòd pavimenta dictæ villæ, & suburbiorum ejusdem, semper, cùm & ubi opus fuerit, congruè reparentur; & quòd Cancellarius dictæ Universitatis, qui pro tempore fuerit, & ejus vices gerens, ad hoc homines dictæ villæ, & suburbiorum ejusdem, & alios quibus incumbit, quos eidem Cancellario & ejus vices gerenti parere volumus in hac parte, possit per censuras ecclesiasticas compellere, absque proficuo

proficuo suis usibus applicando, & prohibitio nostra seu hæredum nostrorum, si contra præmissa facta fuerit, vires non habeat nec effectum.

Item, Cum Laici plerunque sicut Scholaribus, sic & eorum servientibus, sint infensi; ordinamus & concedimus, & hanc chartam nostram confirmamus, pro nobis & hæredibus nostris, quod cum ministri dictæ Universitatis, & servientes Clericorum, ad quotam aliquam solvendam de bonis suis in villâ prædictâ & suburbiis ejusdem, assidendi fuerint vel taxandi, Cancellarius dictæ Universitatis, vel ejus vices gerens, & non Major seu homines dictæ villæ, dictos ministros & scholarium servientes, viz. familiares, scriptores, illuminatores pergamentarios, ad quotas hujusmodi fideliter & rationabiliter, prout alii homines dictæ villæ & suburbiorum ejusdem assessi fuerint, juxta quantitatem bonorum suorum taxabilium, in perpetuum assedeant atque taxent, & pecuniam sic assessam per ministros suos levare faciant, Majori & Ballivis dictæ villæ per indenturam liberandam. Et si homines dictæ villæ de taxatione per prædictum Cancellarium male factâ conquesti fuerint, super hoc per ministros nostros celeriter inquiratur, & defectus, qui repertus fuerit, debite corrigatur. Volumus autem & concedimus, quod Cancellarii Universitatis prædictæ, qui pro tempore erunt, & eorum vices gerentes, præmissis omnibus, & singulis eis, in formâ prædictâ concessis, plenè, liberè & integrè gaudeant & utantur, juxta formam ordinationum & concessionum prædictarum, non obstantibus privilegiis, libertatibus, consuetudinibus, seu compositionibus contrariis quibuscunque.

Item, Volentes indemnitati prospicere scholarium, qui fuerunt in dictâ turbatione de bonis suis deprædati, qui forsân timore irregularitatis non
audent

audēt prosequi criminaliter contra deprædato-
res hujusmodi, pro recuperatione bonorum suo-
rum sic furto vel vi ablatorum, concessimus de
gratiâ nostrâ speciali, pro nobis & hæredibus
nostris, quantum in nobis est, omnibus & sin-
gulis magistris & scholaribus dictæ Universitatis,
& eorum servientibus, qui in dictâ turbatione
bona sua sic furto vel vi amiserunt, quòd ipsi,
vel Cancellarius & Procuratores dictæ Universi-
tatis eorum nomine, absque inquietatione vel
molestatione nostri, vel hæredum nostrorum,
seu ministrorum nostrorum quorumcunque, bo-
na sic furata vel deprædata, à dictis furibus seu
deprædatoribus, vel aliis quibuscunque, ad quo-
rum manus hujusmodi res pervenerint, licitè
recipere & tenere possint, licèt contra dictos
fures vel captores, ad pænam sanguinis non fue-
rint prosecuti.

Item, Ad majorem securitatem & quietem
studentium in Universitate prædictâ, pro per-
petuo ordinamus & concedimus, pro nobis &
hæredibus nostris, quòd quilibet Vicecomes
Oxon. qui pro tempore fuerit, in receptione
Commissionis suæ, juramentum præstet corpo-
rale, quòd magistros & scholares Universitatis
Oxon. & eorum servientes, pro viribus, ab in-
juriis & violentiis proteget & defendat, & pa-
cem in Universitate prædictâ, quantum in ipso
est, faciat conservari, præfatis Cancellario &
scholaribus, ad puniendum pacis perturbatores
ibidem, juxta privilegia & statuta Universitatis
prædictæ, semper cùm opus fuerit, præstabit
consilium & juvamen, & ad privilegia, liber-
tates & consuetudines dictæ Universitatis defen-
denda, pro viribus opem feret : & quòd à sub-
vicecomite suo, & aliis ministris suis in comi-
tatu prædicto, statim cùm post susceptum offi-
cium ad castrum vel villam Oxon. declinaverit,
in

in præsentia alicujus ex parte Universitatis ad hoc deputandi, consimile accipiet juramentum; ad quod, ipsos ministros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc addi formæ juramenti Vicecomitis dicti loci, in receptione commissionis suæ præstari consueti.

Cæterum quia super pœnis pro securiori conservatione pacis ipsius Universitatis statuendis, ac super aliis, quæ juxta submissiones prædictas, ad perpetuam præmissorum memoriam, piè per Dei gratiam facere proponimus, jam ordinare non possumus, variis & arduis negotiis præpediti, ordinationem hujusmodi specialiter refervamus. His testibus, venerabilibus patribus, *Johanne Archiep. Eboracensi, Angliæ Primate, Cancellario nostro; Guliel. Wintoniensi Episcopo, Thesaurario nostro; Magistro Michael de Northburgh, electo London. confirmato; Henrico Duce Lancastriæ; Gulielmo de Bohun, Northamptoniensi, Rich. Arundell, Thomâ de Bello Campo, Warwicensi, Rogero March, Guiliel. Sarum, Johanne de Veer, Oxon. Comitibus; Galfredo de Say, & Johanne de Grey de Rotherfeild, Seneschallo Hospitii nostri; & aliis.*

*Epistola Edvardi III. Regis Angliæ,
Summo Pontifici, & Cardinalibus, &c.*

Venerabili in Christo patri Domino H. Dei *Rot. Romæ,*
gratiâ S. Mariæ in Aquiro Diacono Car- *An. 3. E. 3.*
dinali, amico suo carissimo, Edvardus, &c. *m. 5. intus,*
salutem & sinceræ dilectionis affectum. Quò *pro Magistris*
teneriùs diligimus Magistrorum & Scholarium *& Scholari-*
Universitatis *bus Universi-*
tatis Oxon. *Oxonie* tranquillitatem & quietem,
c ut

ut literarum studiis sedulò insistentes, in ecclesiâ Dei fructus afferant liberiores, ad illuminationem populorum temporibus opportunis; eò solertiùs agemus, ut ab eis cujusslibet inquietudinis amoveatur occasio, transferatur materia scandalorum. *Cum itaque intelleximus*, quòd venerabilis pater Dominus Gaillairdus de Monte S. Luciae in Cilice Diaconus Cardinalis, Archidiaconus Oxon. ipsos Magistros & Scholares, super juribus & consuetudinibus suis, quibus hactenus usi sunt in Universitate prædictâ, ut asseritur, per processus varios hucusque inquietavit, & adhuc inquietat: Nosque præmissam dissensionem molestè ferentes, Domino Summo Pontifici duximus supplicand. ut præfato Cardinali jubere dignetur, ipsumque inducere salubribus hortamentis, quòd omnino supersedeat inquietationibus supradictis, vel saltem assensum præbeat, quòd negotium illud aliquibus Prælati de regno nostro *Anglia* committetur audiend. & sine debito terminand. ne, quod absit, propter vexationes nimias dictæ Universitati immineat dispersio vel ruina. *Vestram igitur paternitatem (de quâ confidimus) rogamus & requirimus ex affectu*, quatenus Universitatem prædictam recommendatam habentes, penes præfatum Dominum Summum Pontificem, nec non & penes ipsum Dominum Cardinalem insistere velitis, modis quibus videritis expedire, ut, pro pace & quiete in dictâ Universitate conservandis, velint in præmissis condescendere votis nostris. Dat. apud * Olthum 13^o die Maii.

* *Eltham.*

Licentia

*Licentia Ricardi II. Scholaribus Juris
Canonici & Civilis, ad celebrandas
Conventiculas, &c.*

REX universis & singulis Doctoribus, Bac-
calaureis & Scholaribus juris Canonici &
Civilis, in Universitate Oxon. studentibus &
degentibus, salutem. Ut pro communibus ne-
gotiis vos ac gradus & facultates vestras concer-
nentibus, in curiis nostris regiis & alibi infra
regnum nostrum Angliæ prosequend. in Uni-
versitate prædictâ, in numero moderato, paci-
ficè & absque tumultu convenire, ac invicem
super negotiis illis communicare & tractare,
consiliaque vestra in hac parte inire & tenere,
& procuratores vestros ad negotia prædicta ritè
& debitè prosequend. in formâ juris constituere
& ordinare, quoties & quando vobis videbitur
expedire, liberè & impunè valeatis, licentiam
vobis tenore præsentium duximus concedend.
aliquâ inhibitione nostrâ de conventiculis, con-
gregationibus seu confæderationibus illicitis, in
Universitate illâ faciendis, vobis prius factâ aut
directâ, non obstante. Dum tamen Cancellari-
us & Procuratores, seu alii ministri Universi-
tatis prædictæ, in executione officiorum suorum
secundùm statuta & ordinationes dictæ Univer-
sitatis faciendâ, colore præsentis licentiæ nostræ
nullatenus perturbentur, nec pax nostra ibidem
aliquaqualiter violetur. *Et hoc vobis, & omnibus
aliis quorum interesse poterit, innotescimus per præ-
sentes. In cujus, &c. Teste Rege apud Westm.
18^o die Feb.*

*Pat. 8. R. 2.
m. 35. intus,
pro Doctorib.
Baccalaur. &
Scholar. juris
Can. & Civil.*

Pat. 8. E. 3.
pars 2. dorf.
23. de infor-
matione ca-
piendâ.

* Nota.

REX dilectis & fidelibus suis, venerabilibus patribus in Christo, Ricardo Episcopo Dunelm. Cancellario suo, Rogero Coven. & Lich. & Willielmo Norwicen. Episcopis, salutem. Petitio Cancellarii Universitatis nostræ Oxon. coram Nobis & Consilio nostro in Parlamento nostro exhibita, continebat; quod in villâ Oxon. ubi Uiversitas prædicta diu est, extitit & adhuc existit, inter Scholares ejusdem Universitatis, & eorum familiares & servientes, graves dissensiones & discordiæ subortæ fuerunt, & indies oriuntur; ex quibus pax nostra læditur, & populus noster partium illarum terretur, malaque alia innumera hætenus provenerunt, & proveniunt hiis diebus; & nihilominus verisimiliter timetur quod dispersio Universitatis prædictæ inde proveniat, nisi citiùs super hoc per Nos opponatur remedium opportunum. Nos *considerantes*, quod per * Universitatem prædictam fides Christiana defenditur & dilatatur, ac regnum nostrum, ac incolæ ejusdem regni multipliciter exornantur: Volentesque dictam Universitatem & ad eandem declinantes & ibidem conversantes in pace & tranquillitate defendere, & si quæ in contrarium attemptata fuissent, prout justum fuerit, punire; ac de vestris fidelitate & circumspectione providâ plenius confidentes, assignavimus vos, conjunctim & divisim, ad informand. vos vel aliquem vestrum, per Cancellarium, Procuratores, Magistros, & Scholares Universitatis prædictæ, & aliis viis & modis quibus expedire videritis, super dissensionibus & discordiis supradictis, & earum causis, & per cujus vel quorum culpam dissensiones illæ & discordiæ oriebantur; nec non ad tractand. cum eisdem Cancellario, Procuratoribus, Magistris,

Magistris, & Scholaribus, super dissensionibus & discordiis prædictis, qualiter, viz. ad maiorem & perpetuam quietem & tranquillitatem Universitatis prædictæ sopiri valeant, seu etiam reformari; & ad certificand. Nos de eo quod per vos in præmissis factum fuerit & tractatum; ita quod Nos inde certiorati in præmissis, cum deliberatione providâ fieri faciamus quod Nobis & Consilio nostro fore videbitur faciend. *Et ideo vobis mandamus, quod vos vel aliquis vestrum ad villam prædictam accedatis vel accedat, & ad certum diem, quem vos duo vel unus vestrum ad hoc provideritis vel providerit, præmissa omnia & singula fac. in formâ prædictâ; non obstantibus aliquibus libertatibus, privilegiis, aut statutis: Innotescentes eisdem Cancellario, Procuratoribus, Magistris, & Scholaribus, & aliis quorum interest, ex parte nostrâ, quod nisi à malis huiusmodi se retrahant, & reformationi dissensionum & discordiarum prædictarum citius inclinent, ipsos & eorum quemlibet taliter puniri & castigari faciemus, quod eorum punitio aliis cedet in terrorem & exemplum mala huiusmodi futuris temporibus perpetrandi. Mandavimus enim Cancellario, Procuratoribus, Magistris, & Scholaribus Universitatis prædictæ, quod in præmissis vobis duobus vel uni vestrum assistant, pareant & intendant. In cujus, &c. Teste Rege apud Westm. 20^o Septembris.*

Per ipsum Regem & Consilium.

*Ibid. dorf. 20.
pro Cancellar.
Procuratori-
bus & Schola-
ribus Univer-
sitatis Oxon.*

REX Majori & Ballivis Oxon. salutem. Ex gravi querelâ Cancellarii, Procuratorum, & Scholarium Universitatis nostræ Oxon. intelleximus, quòd quamplures malefactores & pacis nostræ perturbatores, tam Scholares quàm alii, ad dictam villam & ejus suburbia frequenter accedentes, & in eisdem commorantes, diversas transgressiones ibidem hætenus perpetrârunt & perpetrant, & post transgressiones per ipsos sic factas, infra villam prædictam, quandoque in suburbiis ejusdem, & aliis locis vicinis, receptantur & hospitantur. Et licet dicti Cancellarius & Procuratores frequenter vobis mandaverint, & penes vos cum diligentia fuerunt profecti, quòd ad hujusmodi malefactores insequend. arrestand. & capiend. intendentes essetis, & auxiliantes; vos tamen quicquam ad hujusmodi mandata facere neglexistis, per quod transgressiones sic perpetrata multoties impunitæ remanserunt, & dicti transgressores sibi audaciam assumpserunt majora facinora perpetrandi, in ipsorum Cancellarii, Procuratorum, & Scholarium damnum non modicum & effectus, studii retardationem, & populi nostri partium illarum terrorem manifestum, unde perturbamur non immeritò & movemur: Nos hujusmodi malitiis obviare, & transgressores prædictos, juxta eorum demerita in hac parte, castigari volentes, prout astringimur, & puniri; vobis præcipimus firmiter injungentes, quòd ad hujusmodi transgressores in villâ prædictâ, & ejus suburbiis, tam infra libertates quàm extra, insequend. arrestand. & capiend. sumpto ad hoc, si necesse fuerit, posse villæ prædictæ, intendentes sitis & auxiliantes, quoties super hoc per prædictos Cancellarium & Procuratores, qui

pro

pro tempore fuerint, fueritis præmuniti. Sci-
entes, quòd nisi præmissa in formâ prædictâ di-
ligentiùs exequamini, dissimulare nolumus;
quin ad vos, tanquam mandatorum nostrorum
contemptores, & pacis nostræ perturbatores, &
malefactorum prædictorum manutentores, non
immeritò capiemus. Mandavimus enim Vice-
com. Oxon. & Berks. quòd ad malefactores præ-
dictos, ubicumque in locis prædictis dictæ villæ
Oxon. vicinis inventi fuerint, tam infra liberta-
tes quàm extra, insequend. & capiend. quoties
per præfatos Cancellarium & Procuratores
requisitus seu præmunitus fuerit, pareat & in-
tendat, sumpto ad hoc, si necesse fuerit, posse
comitat. prædictorum. *In cujus, &c. Teste*
Rege apud Westm. 3^o die Octobris.

Per ipsum Regem & Consilium.

REX Vicecom. Oxon. & Berks. salutem.
Cum nuper ex gravi querelâ Cancellarii,
&c. ut supra mutatis mutandis, usque ibi, fuerint
præmuniti; tunc sic. Tibi præcipimus, quòd
ad malefactores prædictos ubicumque in ballivâ
tuâ inventi fuerint, tam infra libertates quàm
extra, insequend. & capiend. quoties per præ-
fatos Cancellar. & Procuratores requisitus seu
præmunitus fueris, pareas & intendas, sumpto
ad hoc, si necesse fuerit, posse Comit. præ-
dictorum. *In cujus, &c. Teste ut supra.*

R*EX Majori & Ballivis villa sua Oxon. salutem.* Cùm diversæ diffensiones & discordiæ nuper inter Scholares Universitatis villæ prædictæ, & eorum familiares ac servientes, in eâdem villâ exortæ, & homicidia, deprædationes & alia mala ibidem perpetrata fuissent; ac intellexerimus, quòd nonnulli Scholares, tam, viz. illi qui post facinora & mala prædicta retraxerunt, quàm alii, ad eandem villam manu armatâ veniunt, & diversas armaturas secundùm indies ducunt & duci faciunt, easdem armaturas in hospitiiis suis detinentes, tam publicè quàm occultè, per quod timendum est, quòd mala pejora exinde poterunt de facili evenire. Nos volentes hujusmodi malis, viis & modis quibus poterimus, præcavere, & quieti & tranquillitati Scholarium Universitatis prædictæ, & aliorum in eâdem villâ degentium, & ad eandem confluentium, providere: Vobis præcipimus firmiter injungentes, quòd statim, visis præsentibus, tam in villâ prædictâ, quàm in suburbiis ejusdem, ubi expedire videritis, publicè proclamari, & ex parte nostrâ firmiter inhiberi fac. ne qui Scholares, seu alii, ad dictam villam sub colore studendi venientes, armaturas aliquas ad villam prædictam deferant, seu deferri fac. aut eas in domibus aut hospitiiis suis retineant; nec quòd aliqui de villâ & suburbiis prædictis, aut alii ad ea declinantes, armaturas aliquas Scholaribus prædictis, de præstito, ministrent seu faciant ministrari, sub poenâ incarcerationis corporum suorum ad voluntatem nostram, & amissionis armaturarum prædictarum: & de nominibus illorum, quos post proclamationem & inhibitionem prædictas contrarie inveneritis, facientes Nobis sub sigillis vestris de
tempore

tempore in tempus, distinctè & apertè constare fac. ut nos inde certiorati, eos juxta demerita puniri faciamus: Taliter in executione hujus Mandati nostri vos habentes, quòd propter tepiditatem seu remissionem vestras in hac parte, non habeamus materiam ad vos graviter capiendi. *Teste ut supra.*

Per ipsum Regem & Consil.

REX Cancellario & Procuratoribus Universitatis suæ Oxon. salutem. Cùm diversæ dissensiones, &c. *ut supra usque* de facili evenire; quòdque vos diversas pœnas & punitiones scholaribus Universitatis prædictæ, pro hujusmodi maleficiis per ipsos ante hæc tempora commissis, infligend. contra statuta & privilegia Universitatis prædictæ, & sacramenta per vos in hac parte præstita, remisistis; quo prætextu dicti malefactores, & alii, majorem audaciam sibi assumpserunt delinquendi: Nos volentes hujusmodi malis, viis & modis quibus poterimus, præcavere, & tranquillitati scholarium, &c. *ut supra*, & ad eandem confluentium providere; Vobis firmiter injungendo mandamus, quòd Scholares Universitatis prædictæ præmunire, eisque ex parte nostra firmiter inhiberi fac. ne quis eorum, aut eorum familiares, seu servientes, armaturas aliquas ad villam prædictam, vel suburbia ejusdem deferant, seu deferri fac. seu eas in domibus aut hospitiiis suis retineant, publicè vel occultè; & nichilominus diligens scrutinium post præmunitionem & inhibitionem prædictas in domibus & hospitiiis suis de hujusmodi armaturis fac. & contravenientes in hac parte juxta privilegia & statuta vestra, & sacramenta prædicta puniatis, nemini prædictorum

Ibidem.

dictorum contravenientium in hac parte parentes : Scientes, quòd nisi præmissa cum majori diligentia feceritis, ad vos, & statuta & privilegia prædicta, prout convenit, capiemus. *Teste ut supra.*

*Pat. 13. Edu. 3.
pars 2. m. 28.
initus. Quòd
venella villa
Oxon. munda-
ta custodian-
tur.*

REX dilectis & fidelibus suis Cancellar. Universitatis *Oxon.* & custodi domus de Merton. ibidem, qui nunc sunt, vel qui pro tempore erunt, salutem. Sciatis, quòd cum nuper datur nobis intelligi, quòd quamplures grossæ Bestiæ, videlicet, boves, vaccæ, porci, oves, vituli, & aliæ hujusmodi, in diversis locis infra muros villæ prædictæ indies mactatæ fuerunt, & etiam quòd tot fimi & fimarii, ac aliæ fæditates, in stratis, vicis & venellis villæ illius, infra eosdem muros extiterunt; quòd per abominabiles foetores, quæ ex mactatione dictarum bestiarum, ac fæditate fimorum & fimariorum hujusmodi provenerunt, aer ibidem in tantum inficiebatur, quòd quidam, tam magnatum & aliorum ad dictam villam declinantium, quàm Scholarium & Burgensium, cæterorumque in villâ prædictâ degentium, gravibus corporum suorum infirmitatibus sæpius detinebantur, & exinde aliqui moriebantur : Volentes hujusmodi malis & periculis præcavere, & sanitati prædictorum, ac honestati villæ prædictæ, * maxime dum Magistrorum & Scholarium Universitas ibi viget, providere, per breve nostrum mandaverimus Majori & Ballivis villæ prædictæ, quòd in villâ prædictâ ubi expedire viderint publicè proclamari, & ex parte nostrâ firmiter inhiberi facerent, ne qui carnifices, aut alii hujusmodi, grossas bestias infra muros prædictos mactarent, nec Burgenses seu alii fimos, finar. sive alias fæditates in stratis, vicis & venellis præ-

* *Nota.*

prædictis, ubi communis est hominum transitus, ponerent, seu poni facerent, nec fieri permetterent; sed quòd statim factâ proclamatione hujusmodi, illos per quos hujusmodi fimi, fimarii & fœditates sic ponerentur, dictas stratas, vicos & venellas sine dilatione aliquâ inde mundare, & mundatos custodiri facerent. Ac iidem Major & Ballivi nobis retornaverint, quòd à tempore quo non extat memoria, certus locus deputatus & ordinatus extitit pro carnificibus ad bestias ibidem mactand. & etiam carnes vendend. qui quidem locus arentatus fuit ad centum solidos in firmâ villæ prædictæ. Ita quòd dicti carnifices in loco illo à tempore prædicto sine interruptione officium suum prædictum exercuerunt, & quòd sine diminutione firmæ prædictæ alibi locus aliquis pro officio prædicto exercend. provideri non potuit, per quod nos breve nostrum prædictum per ipsos Majorem & Ballivos sic indorsatum, & coram nobis in Cancellariâ nostrâ retornatum coram dilectis & fidelibus nostris *Richardo Wylughby*, & sociis suis Justic. ad placita coram nobis tenend. assign. misimus; mandantes, quòd inspectis brevi & indorsamento prædictis, vocatisque coram nobis præfatis Majore & Ballivis, & aliis qui forent evocandi, & auditis tam prædicti Cancellar. aut Procuratorum Universitatis prædictæ, quàm dictorum Majoris & Ballivorum rationibus hinc & inde, ulterius in hac parte facerent quod de jure & rationabiliter fore viderent faciend. Et quia vocatis coram nobis præfatis Majore & Ballivis in formâ prædictâ, qui coram nobis juxta præmunitionem eis inde factam per *Robertum de Haverbergh* attorn. suum comparuerunt, & auditis tam ipsius Cancellar. quàm Majoris & Ballivorum prædictorum in hac parte rationibus, præmissisque omnibus & singulis coram nobis processu debito deductis,

deductis, consideratum fuit, quòd communis
 maectatio grossarum bestiarum in loco prædicto
 in commune dampnum & oppressionem populi
 nostri de cætero non fiat, & per breve nostrum
 de iudicio sub testimonio prædicti *Richardi Vic.*
 nostri *Oxon.* extitit demandatum, quòd hujus-
 modi maectationem bestiarum ibidem, aut fimos,
 fimarios, seu alias foeditates in locis publicis
 ejusdem villæ in oppressionem & commune
 dampnum populi, de cætero fieri non permitte-
 rit, sicut per tenorem recordi & processus inde
 habitorum, quem coram nobis in Cancellar.
 nostrâ, certis de causis venire fecimus nobis con-
 stat: quod quidem mandatum præfatus Vic.
 hætenus facere recusavit, ut accepimus. Nos
 volentes ea quæ sic in curiâ nostrâ considerata
 existunt executioni debitæ demandari; assigna-
 vimus vos ad supervidend. & ordinand. quod
 hujusmodi grossæ bestię in loco prædicto non
 maectentur, nec quod fimi, fimarii, ut aliæ fo-
 ditates prædictæ in locis publicis ejusdem villæ
 ponantur, nec fiant; sed quòd prædicti stratae,
 vici & venellæ de fimis, fimariis & foeditatibus
 prædictis mudentur, & mundati custodiantur,
 ex causis præmissis, juxta formam consideratio-
 nis supradictæ, & ad informand. vos per inqui-
 sitiones tam per Clericos quàm per Laicos villæ
 prædictæ inde quotiens opus fuerit capiend. de
 veritate præmissorum, & ad illos quos culpabi-
 les vel rebelles inveniri contigerit, per amer-
 ciamenta, & aliis modis prout expedire videri-
 tis, & rationabiliter faciend. fuerit, puniri fa-
 ciend. consideratâ diligentius qualitate & quan-
 titate delicti in hac parte. Et ne executio præ-
 missorum per absentiam, contrarietatem, aut
 recusationem vestram, præfate Custos, retarde-
 tur; Volumus, & vobis, prædictæ Cancellar.
 damus tenore præsentium potestatem, præmissa
 omnia

omnia & singula juxta formam considerationis prædictæ, sicut prædictum est, faciendi & exequendi, quotienscumque opus fuerit; & vos, præfate Custos, si hoc facere recusaveritis vel nolueritis, dum tamen sitis per vos, præfate Cancellar. ad præmissa unà vobiscum, prædicte Cancellar. faciend. cum ea fieri debeant, debitè præmuniti. Et ideò vobis mandamus, quòd circa præmissa, quodcumque opus fuerit, intendatis, & ea exequamini, & fieri fac. in formâ prædictâ. Damus autem universis & singulis villæ prædictæ quorum interest, ac Vic. nostro Com. prædicti, tenore præsentium, in mandatis, quòd vobis in præmissis omnibus & singulis in formâ prædictâ pareant & intendant quotiens & prout eis scire feceritis ex parte nostrâ. In cujus, &c. Teste præfato Custode apud Kenyngton 30 die Julii.

Per Consilium.

REX Vic. Oxon. salutem. Cum nuper data *Ibidem de nobis intelligi, &c. ut supra, usque ibi, & eodem.* mandatos custodiri facerent, & tunc sic; Ac iidem Major & Ballivi prætendentes certum locum in villâ prædictâ pro carnificibus ad bestias mactand. à tempore quo extat memoria, deputatum fuisse, & alium locum in eâdem villâ pro hujusmodi officio exercendo non existere, quicquam ad mandatum nostrum prædictum facere non curârunt. Et quia præmissis coram nobis processu debito deductis, consideratum est, quòd communis mactatio grossarum bestiarum in loco prædicto in commune dampnum & oppressionem populi nostri, de cætero non fiat, & tibi per breve nostrum de judicio, sub testimonio dilecti & fidelis nostri *Richardi de Wy-*
lughby,

lughby, Capitalis Justic. nostri, extitit demandatum, quòd hujusmodi mactationem bestiarum ibidem, aut fimos, fimarios, seu alias foeditates in locis publicis ejusdem villæ fieri non permitteres, sicut per tenorem recordi & processus super præmissis habitorum, quæ coram nobis in Cancellariâ nostrâ certis de causis venire fecimus, nobis constat; quod quidem mandatum hætenus exequi recusasti, ut accepimus, unde plurimum admiramur. Nos volentes ea quæ sic in curiâ nostrâ considerata existunt, executioni debitè demandari; Tibi præcipimus, quòd in villâ prædictâ, in locis ubi expedire videritis, publicè proclamari, & ex parte nostrâ publicè inhiberi fac. ne qui carnifices, aut alii hujusmodi, grossas bestias in loco prædicto mactare præsumant, nec alii fimos, fimar. sive alias foeditates in locis publicis ejusdem villæ ponant, seu poni faciant, nec fieri permittant: Et si hujusmodi fimos, fimar. aut alias foeditates in locis publicis ejusdem villæ inveneris, & homines ejusdem villæ loca illa inde mundare recusent, tunc eadem loca publica de eisdem fimis, fimar. & foeditatibus sine dilatione mundare, & mundata custodiri fac. juxta formam considerationis supradictæ, & dicti mandati nostri de iudicio tibi super hoc priùs directi, libertate villæ prædictæ non obstante. *Teste ut supra.*

Per Consilium.

Pat. 15. E. 3.
pars 2. m. 41.
dors. De inquirendo de
malefactoribus
in Universitate
Oxon.

REX dilecto Clerico suo Magistro *Willielmo de Bergeveny*, Cancellario Universitatis suæ *Oxon.* vel ejus locum tenenti, salutem. Qualiter ante hæc tempora ex dissensionibus & discordiis in Universitate prædictâ sæpiùs exortis, dampna & facinora innumera, in nostri con-

contemptum & pacis nostræ læsionem, ac quietis ibidem studentium perturbationem, fuerant enormiter perpetrata; qualiter etiam quidam dictorum facinorum perpetratores se à dictâ villâ *Oxon.* retraxerunt, & in diversis regni partibus discurrebant, mala perpetrare hujusmodi non timentes, eò quòd ipsi cum dictam villam ingressi fuerunt per Cancellar. & Ministros Universitatis illius puniri non poterant, ut deceret, non credimus vos latere. Jamque ex relationibus intelleximus nonnullorum, quòd quædam dissensiones & contumeliæ graves in Universitate prædictâ, inter Scholares ejusdem Universitatis, ac etiam eosdem Scholares & Laicos, tam ex antiquo odio & ipsorum insolentiis, juvenili etiam lasciviâ stimulante, quàm ex diversis aliis causis, per quas quidam contra alios occasiones quærere moliantur, incipiunt noviter suboriri, per quod nisi celerius super hoc apponatur remedium opportunum, de subversione Universitatis prædictæ, & forsân turbatione & motione tam inter magnates quàm alios regni nostri, verisimiliter formidatur. Nos considerantes, quòd ex Universitatis nostræ prædictæ & studentium in eadem, doctrinâ, fides dilatur catholica, & sancta Dei ecclesia, maxime Anglicana, dilucidè roboratur; cupientes igitur tranquillitati & quieti Universitatis ejusdem, de qua tot, ad regendos populos, ad illuminationem multorum, Doctores hætenus processerunt, & indies procedunt, modis omnibus quibus poterimus, providere, rebellionemque pertinaciam hujusmodi malefactorum refrænare, & eos cum rigore justitiæ punire, & prout convenit castigare; advertentes insuper, quòd quamplures de malefactoribus illis, propter diversas allegationes & confederationes, tam cum aliis dictæ villæ & forinsecis, quàm cum clericis Univer-

Nota.

Universitatis ejusdem, initas atque factas, se, juxta privilegia & libertates per progenitores nostros & Nos dictæ Universitati concessa, ac secundum legem & consuetudinem regni, justiciari contemptibiliter non permittunt, nec hactenus permiserunt, & quidam ex eis se à villâ prædictâ elongârunt, in aliis partibus, ut præmittitur, discurrendo : Vobis firmiter injungendo mandamus, quòd inquisitionibus per vos quotiens opus fuerit faciend. ac viis & modis aliis, quibus meliùs expedire videritis, vos cum diligentia informetis de nominibus malefactorum & rebellium prædictorum, qui mala & facinora hujusmodi in Universitate prædictâ hactenus perpetrârunt & perpetrari fecerunt, vel procurârunt, & etiam perpetrant & perpetrari faciunt, seu procurant, & ipsorum manutentorum similiter & fautorum, & de nominibus hominum hujusmodi malefactorum & rebellium, ac eorum manutentorum & fautorum, qui per vos vel ministros vestros dictæ Universitatis in hac parte castigari non poterunt, vel se juxta libertates & privilegia hujusmodi non permittunt, seu qui extra eandem villam ob perpetrationem facinorum hujusmodi se elongant, nos in Cancellar. nostram sub sigillo vestro de tempore in tempus reddatis distinctè & apertè certiores, ut ulteriùs inde fieri faciamus quod de jure & secundum legem & consuetudinem regni nostri Angliæ fuerit faciend. Nolumus tamen vobis, aut dictæ Universitati, seu privilegiis eidem Universitati per progenitores nostros & nos concessis, prætextu præsentis mandati nostri, seu executionis ejusdem præjudicari, vel in aliquo derogari. Teste Rege apud Turrin Lond. 20^o die Junii.

Nota.

Per ipsum Regem & Consil.

R E X

REX Majori & Ballivis suis Villæ Oxon. *Pat. 15. E. 3. pars 3. dorſ. 8. De intendendo Cancellar. Universitatis Oxon. ad arestand. & capiend. Malefactores, &c.*
 salutem. Quia intelleximus, quòd quidam malefactores, & pacis nostræ perturbatores, tam Scholares quàm alii, pro transgressionibus & excessibus enormibus apud Oxon. ac infra metas & bundas Universitatis ejusdem villæ ante hæc tempora banniti, jam diversos malefactores & pacis nostræ perturbatores ad se attrahentes, & diversas alligationes & confederationes illicitas facientes in passibus, boscis, biviis & quadriviis, ac aliis locis suspectis ibidem hominibus insidiantes, tam de die quàm de nocte, vi armatâ vagantur & discurrunt, Scholares ac alios verberantes & vulnerantes, & bona & catalla diversorum hominum capientes & asportantes, & alia mala quamplurima perpetrantes, ad quorum castigationem & punitionem Cancellarius Universitatis prædictæ non sufficit, nisi aliter ad hoc brachium seculare apponatur: Nos affectantes tranquillitatem & quietem Scholarium Universitatis prædictæ, ac aliorum ad eandem villam confluentium, ac aliorum ibidem degentium, observari, & malitiæ dictorum malefactorum & bannitorum obviare, & ad punitionem eorundem manum nostram volentes apponere adjutricem: Vobis præcipimus, quòd eidem Cancellario ad insequend. arestand. & capiend. dictos malefactores & bannitos, cùm per ipsum super hoc ex parte nostrâ fueritis præmuniti, intendentes sitis, consulentes & auxiliantes, ut idem Cancellar. hujusmodi Malefactores, sic arestos, castigare & punire valeat, juxta libertates & privilegia Universitatis prædictæ: Taliter vos habentes in hac parte, quòd non possitis super aliquâ negligentia reprehendi, per quod materiam habeamus ad vos & vestra graviter capien-

capiendi. Teste Rege apud Staunford 27^o die Novemb.

Consimilia Brevia regia diriguntur Vicecom. Oxon. mutatis mutandis. Teste ut supra.

Pat. 16. E. 3.
m. 1. dorso.
pro Galfr.
de Siblesham.

REX Archiepiscopis, Episcopis, Decanis & Capitalis Ecclesiarum Cathedralium & Collegiatarum in Diocesibus Cicestrensi, Sarisberienſi, Wynton. Eboracensi, & Lichefeldensi, & Archidiaconis, Canonicis, & aliis dignitatem vel officium in eisdem ecclesiis habentibus, Abbatibus, Prioribus, Rectoribus, & Vicariis Ecclesiarum earundem, & aliis Ministris Ecclesiasticis in quibuscunque statu, officio vel dignitate constitutis, nec non Cancellariis Universitatum Oxon. & Cantebr. ac universis & singulis Magistris & Scholaribus earundem Universitatum, Salutem. Ad jura nostra regia, ne depereant, seu per aliquorum usurpationes indebitas aliququaliter subtrahantur, quatenus justè poterimus manutenend. subtractaque & occupata, si quæ fuerint, ad statum debitum revocand. nec non ad impugnatores eorundem jurium refrænand. & prout convenit juxta eorum demerita puniend. eò studiosius nos decet operam adhibere, & sollicitius extendere manum nostram, quò ad hoc juramenti vinculo teneri dinoscimur & astringi, pluresque conspiciamus indies jura illa pro viribus impugnare. Cùm igitur nuper in curiâ nostrâ coram nobis per breve nostrum recuperavimus præsentationem nostram ad Ecclesiam de Seleseye, vacantem, & ad nostram donationem spectantem, ratione Episcopatus Cicestrensis tunc vacantis, in manu nostrâ existentis, & præsentaverimus dilectum Clericum nostrum Galfr. de Siblesham ad Ecclesiam prædictam, qui ad eandem per loci Dioecesanum

APPENDIX.

li

fanum admissus, & in eâdem canonicè extitit institutus, & postmodum pro eo quod datur nobis intelligi, quòd *Willielmus de Roumersh* jura coronæ nostræ prædictæ impugnare, & considerationem prædictam machinans enervare, diversos processus in curiâ Christianitatis versus præfatum Clericum nostrum extitit persecutus, ipsum à possessione suâ prædictâ amovere satagendo, eidem *Roberto* per diversa brevvia nostra mandaverimus, ne quicquam in curiâ Christianitatis, quòd in derogationem juris nostri Regii, seu enervationem considerationis seu præsentationis nostræ prædictarum cedere valeret, attemptaret, seu attemptare præsumeret quovismodo; nihilominus prædictus *Rogerus* diversos processus in curiâ Christianitatis versus præfatum Clericum nostrum postmodum est persecutus, quorum executiones vobis committuntur, ut dicitur, faciendæ, per quos si tolerarentur, præjudiciû, tam nobis & Coronæ nostræ, quàm præfato Clerico nostro, super possessione suâ prædictâ de facili posset generari: Vobis igitur omnibus & singulis districtè prohibemus, ne executiones aliquorum processuum factorum in curiâ Christianitatis, quæ in enervationem considerationis seu præsentationis nostræ prædictarum cedere possint, exequamini quovismodo, nec citationes, præfixiones, processus, seu alia impedimenta diversa, per quæ jus nostrum prædictum aliquàlter poterit impugnari, attemptetis, seu per alios attemptari faciatis quovis modo. Scientes, quòd si secus feceritis, ad vos tanquam ad juris nostri Regii violatores, graviter capiemus. *Teste Custode prædicto apud Wynton. 6 die Jan.*

Pat. 18. E. 3.
 pars 2. m. 31.
 intus. Pro
 Cancellar. &
 Scholaribus
 Universitatis
 Oxon.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Officialibus, Præpositis, Sacristis, Prebendariis, in Ecclesiis Cathedralibus, seu Collegiatis, Advocatis, Procuratoribus & Notariis Publicis, & aliis quibuscunque personis Ecclesiasticis, in quacunque dignitate vel officio constitutis, & omnibus aliis ad quos, &c. salutem. Cùm nuper inter privilegia Universitati Oxon. ac Cancellario ejusdem qui pro tempore fuerit, per nos & progenitores nostros quondam reges Angl. concessa, concessum sit eisdem, quòd idem Cancellarius, pro inviolabili pacis nostræ conservatione, ac tranquillitate & quiete Scholarium in eâdem Universitate studentium, omnes transgressores & pacis nostræ in eâdem Universitate perturbatores & violatores, qui coram dicto Cancellario comparere voluerint ratione delictorum suorum, corrigere, & comparere recusantes, ubi altera pars est Scholaris, à dictâ Universitate bannire possit; ac jam intellexerimus, quòd quidam de manifestâ pacis nostræ perturbatione ac enormi transgressionem in dictâ Universitate factis impetiti, ad mandatum Cancellar. dictæ Universitatis, pro eo quòd ipsi, modo debito præmuniti, super præmissis respondere recusarunt, per processum ritè inde factum, à dictâ Universitate fuerint banniti, & pro bannitis solempniter pronuntiati, machinantes privilegia prædicta, prædictis Cancellar. & Universitati, pro conservatione pacis prædictæ, & quiete Scholarium ibidem studentium, sic concessa, per processus inde in Curiam Romanam faciend. destruere totaliter & adnullare, ipsum Cancellar. ad respondend. super bannimento prædicto extra regnum nostrum ad dictam Curiam Romanam, convocari fecerunt.

fecerunt, & citationes, provocationes, appellationes, monitiones eidem Cancellar. notificari procurarunt, & quàm magnas pecuniæ summas pro dampnis suis, quæ ex hac causâ asseruerunt se sustinuisse ab eo, ibidem exigunt, & ipsum eâ occasione multipliciter inquietant minùs iustè, in nostri contemptum & præjudicium, & legum & jurium Coronæ nostræ læsionem, & ipsius Cancellar. dampnum gravissimum, & libertatum dictæ Universitatis adnullationem manifestam, de quo quamplurimùm conturbamur. Nos volentes privilegia prædicta dictis Cancellar. & Universitati, pro conservatione pacis prædictæ & quiete Scholarium in dictâ Universitate studentium, per dictos Progenitores nostros sic concessa, inviolabiliter observare, & impugnatores eorundem debitè coercere: Vobis omnibus & singulis districtè prohibemus, ne prætextu aliquarum commissionum seu mandatorum de dictâ Curiâ Romanâ, vel aliquâ aliâ Curiâ, vobis seu aliquibus vestrum directorum, seu imposterum dirigendorum, quicquam quod in læsionem coronæ & dignitatis nostræ regie, seu enervationem privilegiorum prædictorum, aut dicti Cancellar. dampnum in hac parte, vel præjudicium, cedere valeat, attemptetis, seu fac. aliquàlter attemptari. Et si quid in contrarium feceritis in hac parte, id sine quâcumque difficultate revocetis indilatè, ne ad vos, tanquam ad legum & jurium nostrorum violatores, & coronæ nostræ exhæredatores, materiam habeamus cum rigore capiendi. *Teste Rege apud Westm. 12^o die Augusti.*

Nota.

Nota.

RE X *Venerabili in Christo patri Roberto eadem pars 1. m. 22. gratiâ Cicestr. Episcopo, salutem.* Quia intelligi nobis datur, quòd quidam Scholares Universitatis nostræ Oxon. & eorum ministri nuper, *Pat. 19. E. 3. dorso. De inquiriendo de transgressionibus in Oxon. dum factis.*

dum quidam fideles justic. nostri judicialiter in eâdem villâ Oxon. fedebant, ad inquirend. de feloniis, transgressionibus, & aliis excessibus in Com. Oxon. factis, in copiosâ multitudine congregati, & quamplures ex eis armis prohibitis communiti, in villâ prædictâ notoriè incesse-
runt, quasdam transgressiones ac enormia alia, ut dicitur, perpetrantes, & Justic. nostros prædictos, incusso eis ex repentinâ hujusmodi congregatione timore, impediētes, quò minùs tunc ea quæ ad officium suum juxta formam commissionis nostræ eis inde factæ exercere & facere debitè potuerunt, in nostri contemptum, pacisque nostræ ibidem læsionem, & terrorem etiam nonnullorum. Nos transgressiones & excessus hujusmodi nolentes absque imponendâ punitione debitâ præterire, advertentesque quòd Cancellarius Universitatis prædictæ, ad cujus officium, juxta privilegia & libertates sibi & dictæ Universitati per nos & progenitores nostros concessâ, punitio clericorum & ministrorum suorum ibidem delinquentium pertinere dinoscitur, ut accepimus, ad puniend. tantam Scholarium & servientum suorum multitudinem, non sufficit, nisi juvetur potestatis Regiæ fulcimen-
to; ac de vestrâ circumspectione providâ confidentes, assignavimus vos ad inquirend. unâ cum prædicto Cancellario, de nominibus hiis Scholarium & ipsorum servientum, qui congregationes, transgressiones, excessus, ac alia prædicta, ut præmittitur, perpetrârunt, & ad ipsos juxta eorum demerita & excessus ac juris exigentiam, habitâ consideratione ad privilegia & libertates prædicta, quibus prætextu præsentis assignationis nostræ ad præsens derogare nolumus, castigand. & puniend. sicut melius pro conservatione pacis ibidem videbitur expedire, ne pro defectu debitæ punitionis hujusmodi, necessitate cogente,

gente, nos oporteat manum ad hoc extendere gravio- rem. Et ideo vobis mandamus, quòd circa præmissa omnia & singula, unà cum præfato Cancellario, faciend. & explend. in formâ prædictâ celerius quo poteritis intendatis: Univer- sis insuper & singulis Magistris & Scholari- bus, ac aliis dictæ Universitatis quos præmissa contingunt, damus tenore præsentium firmiter in mandatis, quòd vobis in executione præmis- sorum, unà cum Cancellario prædicto, faciend. & explend. pareant & intendant, quotiens & prout per vos vel dictum Cancellarium super hoc fuerint præmuniti. *In cujus, &c. Teste Rege apud Westm. 14^o die Martii.*

Per Consilium,

REX omnibus ad quos, &c. salutem, In-
speximus alteram partem cujusdam Inden-
turæ inter Cancellarium & Universitatem Oxon.
& Majorem & Communitatem villæ Oxon. factæ,
& communi sigillo dictæ villæ signatæ in hæc
verba. Ceste Endenture fait a *Oxford* le qua-
torzisme jour de Maii, l'an du regne le Roi
Edward tierz, apres la conquest d'Engleterre
trentisme primer, & de France dis & oeptisme,
entre le *Chaunceller & la Universtee* d'Oxford
d'une part, & le *Maire & Communaltee* de mesme
la ville d'autre part, tesmoigne, que accorde est
entre les parties avantdites, que la dite Com-
munaltee d'Oxford tendra perpetuellement une
misse d'Anniversarie le jour de seinte scolasee la
Virgine, a Oxford en la *Eglise de nostre Dame*,
pur les almes des Clercs & autres occis en la
confluct que nadgairs estoit entre les Clercs &
Lais de la dite Communaltee, a la quele misse
d' Anniversarie serront en propres perones,

*Pat. 31. E. 3.
pars 2. m. 26.
Pro Magistris
& Scholaribus
Universitatis
Oxon.*

& offront en noun de la dite Communaltee d'Oxenford, le Maire que pur le temps ferra, les Bailliffs, les Aldermans, & tous iceaux que furunt jurez a dite Universitee mesme l'an de la dite ville, & de les suburbs auxibien del suburb de hors la porte de Norht. come de altres suburbs, si noun ascun deaux eient congie del Chaunceller que pur le temps ferra, ou de son Commissar de soi absentir per resonable cause, & accept a dit Chaunceller ou de son Commissar. Et en cas que ascuns ensi soi absentent, facent altres honestes de la dite ville ou suburbs venir en lour lieux, al acceptation del dit Chaunceller, ou de son Commissar. que pur le temps ferra, ensi que seisaunt & deux de la dite Communaltee de queaux le dit Chaunceller ou son Commissar. soi agree soient presentz a la dite misse del commencement tanque au fyn, & offre chescun un denier si nul deaux neit congie del Chaunceller ou de son Commissar. d'offrir son denier & daler en tour ses busoignes necessaries adonque affaires. Et si nul de la dite Communaltee juree a la Universitee cel an soi absente devenir a la dite misse & d'offrir come avant est dit saunz resonable encheson, & congie del dit Chaunceller ou de son Commissar. que pur le temps ferra, & altre en son lieu accept. a dit Chaunceller ou son Commissar. ne soit a la dite misse & offre pur lui come avant est dit soit il puny per le Chaunceller ou son Commissar. duement, come le dit Chaunceller ou son Commissar. lui plerra punyr. Estre ceo le Chaunceller & la Universitee avantditz ne soi assentent mie que *Johan de Beresford, Robert de Lardynier, Matheu Kyng, Robert le Goldsmyth, & Johan de Godestre*, soient contenuz ne compris en ceste accorde. En tesmoignance des queles choses les Seals de la Universitee d'Oxen-

d'Oxenford d'une part, & de la Communaltee de mesme la Ville d'autre part, a ceste Endenture entrechaungeablement font mys. Don a Oxenford jour & an avant ditz. *Inspeximus etiam quoddam scriptum obligatorium cum sigillo villæ prædictæ signatum, in hæc verba.* Noverint universi quod nos Major & Ballivi, ac tota Communitas Villæ Oxon. pro finali concordia factâ super quodam conflictu inter Clericos & Laicos in Villâ prædictâ nuper suborto, obligamus nos & successores nostros, Majores & Ballivos ac Communitatem prædictam imperpetuum Cancellar. & Procuratoribus Universitatis Oxon. & successoribus suis Cancellar. & Procuratoribus & Universitati prædictæ imperpetuum, in C. marcis annui redditûs solvend. eisdem vel eorum certo Attornato annuatim apud Oxon. in Ecclesiâ beatæ Mariæ in Festo sanctæ Scholasticæ Virginis, sine ulteriori dilatione. Ad quam quidem solutionem fideliter faciendam, obligamus nos & successores nostros, Majores & Ballivos, & Communitatem Villæ Oxon. & omnia bona nostra & Communitatis prædictæ habita & habenda distractioni prædictorum Cancellar. & Procuratorum qui pro tempore fuerint, & Ministrorum suorum, nec non cohertioni cujuscunque Judicis Ecclesiastici seu secularis. In cujus rei testimonium sigillum commune Communitatis prædictæ præsentibus est appensum. Dat. apud Oxon. quintodecimo die Maii, anno regni Regis Edwardi tertii post Conquestum Angl. tricesimo primo, & Franciæ decimo octavo. *Inspeximus etiam quoddam scriptum indentatum communi sigillo villæ prædictæ signatum, in hæc verba:* Omnibus Christi fidelibus ad quos præsens scriptum indentatum pervenerit, Cancellarius & Procuratores Universitatis Oxon. & tota Universitas prædicta, salutem in Domino. Licet Major & Ballivi

Ballivi Villæ Oxon. & tota Communitas ejusdem Villæ, & successores sui, nobis Cancellar. & Procuratoribus Universitatis Oxon. & successoribus nostris, & Universitati prædictæ imperpetuum obligentur in centum marcis annui redditus solvend. apud Oxon. annuatim in Ecclesiâ beatæ Mariæ Oxon. in festo Sanctæ Scolasticæ Virginis, pro quadam finali concordia nobiscum factâ, super quodam confluctu inter Clericos & Laicos in Villâ prædictâ nuper suborto, prout in ipsorum scripto obligatorio inde confecto plenius continetur; volumus tamen & concedimus nos prædicti Cancellarius & Procuratores, ac tota Universitas, pro nobis & successoribus nostris imperpetuum, quod si prædicta Communitas villæ Oxon. pro Animabus Scholarium & aliorum in dicto confluctu occisorum, unam missam anniversariam in Ecclesiâ beatæ Mariæ Oxon. in festo sanctæ Scolasticæ virginis, annuatim faciat celebrari, modo & formâ quibus in quâdam Indenturâ inter nos & dictam Communitatem de materiâ ipsâ factâ plenius continetur, & omnes insuper alii articuli in eâdem Indenturâ contenti, ex parte dictæ Communitatis quolibet anno debitè fuerint observati, quod pro illo anno prædictæ centum marcæ nullatenus exigantur, pro aliis vero annis ipso scripto obligatorio suo robore & efficacitâ imperpetuum durâtur. In cujus rei testimonium tam sigillum nostrum commune Universitatis prædictæ, quam sigillum commune Communitatis prædictæ, huic Indenturæ alternatim sunt appens. Dat. apud Oxon. sextodecimo die Maii, anno regni Regis Edwardi tertii post Conquestum Angl. tricesimo primo, & Franciæ decimooctavo. Nos autem Indenturam & scripta prædicta, & omnia contenta in eisdem, quatenus ritè & rationabiliter facta fuerint, rata habentes

bentes & grata, ea pro nobis & hæredibus nostris, quantum in nobis est, approbamus, ratificamus & confirmamus. *In cuius, &c. Teste Rege apud Westm. primo die Junii.*

Per breve de Privato Sigillo.

REX Vic. Berkf. salutem. Cum de Gra-
 tiâ nostrâ speciali concefferimus, quòd
 Cancellarius Universitatis Oxon. qui pro tempore
 fuerit, per literas suas patentes Cancellario no-
 stro Angliæ pro tempore existenti dare possit &
 significare, de nominibus singulorum de juridi-
 ctione præfati Cancellarii Oxon. qui majoris ex-
 communicationis vinculo fuerint innodati, & quod
 dictus Cancellarius noster Angliæ qui pro tempore
 fuerit, brevia nostra fieri & sub magno sigil-
 lo nostro consignari faciat, pro captionem illo-
 rum de iurisdictione prædictâ, qui sic per dict-
 um Cancellarium Oxon. fuerunt excommunica-
 ti, & per quadraginta dies perseveraverint in
 eâdem ad significationem sive certificationem
 ipsius Cancellariæ Oxon. supradictam, prout in
 literis nostris patentibus inde confectis pleni-
 us continetur. Et *J. de W.* Cancellarius Uni-
 versitatis prædictæ, per literas suas patentes no-
 bis significaverit, quod *G. S.* suæ iurisdictionis
 propter suam manifestam contumaciam, Au-
 thoritate ipsius Cancellariæ Oxon. excommuni-
 catus est, nec se vult per censuram Ecclesiasti-
 cam iustificari. Quia vero potestas regia sacro-
 sanctæ Ecclesiæ in querelis suis deesse non de-
 bet, tibi præcipimus, quod prædictum *G.* per
 corpus suum secundum consuetudinem Angliæ
 iustificare, donec sanctæ Ecclesiæ tam de con-
 temptu quam de injuriâ ei illatâ ab eo fuerit sa-
 tisfactum. *Teste, &c.*

*Register of
 Writs, pars 2.
 f. 67. h. 68. 2.
 De homine per
 Cancellarium
 Oxonia ex-
 communicato
 capiendo.*

R E X

Pat. 50. E. 3.
 pars 1. M. 10.
 pro Universita-
 te Oxon. de
 confirmatione
 Ordinationum.
 vide Pat. 20.
 R. 2. pars 3.
 m. 36. Exem-
 plificatio isti-
 us Ordinatio-
 nis & Here,
 p. 163.

REX omnibus ad quos &c. salutem. Inspecimus quasdam Ordinationes per venerabiles Patres *Willielmum London. Thomam Elien. Adam Meneven. Radulphum Sarum, & Willielmum Cicestresem*, Episcopos, vice & auctoritate nostris, ac instantis Parliamenti nostri, super controversiis & litibus quæ inter Cancellarium Universitatis Oxon. & Magistros in Theologiâ & Artibus regentes & non regentes, & eorum facultates ex parte unâ, & Magistros seu Doctores de jure Canonico & Civili, eorumque facultates & studentes in eisdem ex alterâ parte, ortæ fuerunt factas, & sub sigillo prædictorum *London. Elien. Meneven. & Sarum* Episcoporum, ac sub signo tabellionis publici consignatas, in hæc verba. Universis præsentis literas inspecturis, *Willielmus London. Thomas Elien. Adam Meneven. Radulphus Sarisberien. & Willielmus Cicestren.* Episcopi, Domini nostri Regis Angliæ illustris, de consensu omnium Prælatorum & Procerum regni, & instantis Parliamenti sui Commissarii ad cognoscendum, procedendum, & sine debito terminandum in quibuscumque controversiis, litibus & dissensionibus inter Cancellarium Universitatis *Oxon. Lincoln. Dioc.* ac Magistros in Theologiâ & Artibus, regentes & non regentes, & eorum facultates ejusdem Universitatis ex parte unâ, ac doctores in jure canonico & civili regentes & non regentes, Baccallarios & studentes in eisdem juribus ipsius Universitatis ex alterâ suscitatas, sub formâ infra scriptâ specialiter deputati, salutem in omnium Salvatore. Literas Commissionis dicti Domini nostri Regis, seu mandatum vel breve suum Regium patens nuper recepimus, tenorem qui sequitur continentes. *Edwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hiberniæ, venerabili-*
 bus

bis patribus W. London. Th. Elien. A. Meneven. R. Sarum, & W. Ciceſtren. Episcopis, Salutem. Nuper audivimus de quibusdam diffensionibus, & rixis insolitis & retroactis temporibus inauditis, inter Magistros & Doctores Theologiæ juris Canonici & Civilis, & facultatis Artium, earumque scientiarum Baccallarios & Scholares noviter jam exortis, occasione quorundam statutorum formam & responsiones Baccallariorum juris Civilis & Canonici, ad quæstiones per Doctores decretorum & legum disputandas concernentium noviter editorum, quorum occasione bannitiones, convictiones & alia gravamina varia contra certas personas plurima sunt secuta, quæ diffensiones, rixæ, & alia gravamina prænotata, in præjudicium non modicum & enervationem quodammodo prædictæ Universitatis tenderent, nisi per nos manus essent appositæ, pro repellendis præmissis inconvenientibus adjutrices: Nos volentes prædictam Universitatem sustinere in suis usibus, privilegiis, & consuetudinibus universis, prout eam ab initio privilegiis dotavimus, & eadem privilegia sæpius augmentavimus per temporum curricula diversorum pro pace dictæ Universitatis pariter & quiete, in causis & negotiis præmissorum, & omnium aliorum incidentium emergentium, & ea qualitercunque contingentium; vobis committimus plenariè vices nostras, dantes vobis quatuor vel tribus vestrum tenore præsentium auctoritatem, ac mandatum speciale, negotium prædictum cum omnibus & singulis præmissis, vel ea quoquomodo contingentibus vel dependentibus ab eisdem vice nostrâ audiendi, & in eisdem amputatis quibuscumque dilacionibus & allegationibus frivolis alterius etiam partis præsentiam nulloatenus expectatâ, plenariè cognoscendi, ac ea reformandi & debito fine terminandi, bannitiones,

tiones, convictiones, statutaque prædicta in parte vel in toto revocandi & subducendi, prout vobis quatuor vel tribus vestrum videbitur expedire, bannitosque & convictos prædictos in Universitatem prædictam reconciliandi, prout vobis quatuor vel tribus vestrum videbitur opportunum, Cancellarioque, Procuratoribus, Magistris, Doctoribus, Scolaribus, & aliis quibuscumque Universitatis prædictæ inhibendi, ne contra Ordinationes vestras, quatuor vel trium vestrum, neque de cætero statuta injusta irrationalia contra facultates Juris Canonici vel Civilis edant seu faciant quovismodo, sub poenâ forisfacturæ omnium honorum suorum temporalium, & revocationis privilegiorum omnium à nobis vel prædecessoribus nostris Universitati prædictæ, Magistris, Doctoribus, vel Scholaribus ejusdem primitus concessorum, & ea quæ sic per vos quatuor, vel tres vestrum terminata vel ordinata fuerint vallandi & affirmandi, & omnia alia faciendi & exequendi quæ pro reformatione præmissorum juxta discretionem vestras, quatuor vel trium vestrum necessaria fuerint vel etiam opportuna. *Et ideo vobis mandamus, quod ad certos dies & loca quos vos, quatuor vel tres vestrum ad hoc provideritis circa præmissa solertè cum efficacità intendatis, & ea faciatis & exequamini, prout à parte justitiæ & pro pace, quiete & tranquillitate prædictæ Universitatis vobis quatuor vel tribus videbitur expedire.* Damus autem unicuique partium prædictarum, & omnibus aliis quorum interest tenore præsentium firmiter in mandatis, quod vobis, quatuor vel tribus vestrum in præmissis & præmissorum quolibet faciend. & exequend. obediant & pareant pariter & intendant, In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. 20 die Junii, anno regni nostri Angliæ quinquagesimo, reg-

ni vero nostri Francia tricesimo septimo.

Concessum est de assensu Prælatorum
existentium in Parlamento.

In fine vero ipsius brevis in ejus margine scribe-
bantur verba prædicta. Quarum auctoritate lite-
rarum seu mandati aut brevis Regii supradicti
nos Episcopi & Commissarii memorati in præ-
dictis controversiis, litibus & dissensionibus quæ
inter partes prædictas occasione quarundam Or-
dinationum per Magistros Theologiæ & Artium
regentes dictæ Universitatis & statutorum per
Magistros regentes & non regentes earundem fa-
cultatum ipsius Universitatis contra Baccalarios
Juris Canonici & Civilis & facultates earundem,
reclamantibus omnibus & singulis Doctoribus ip-
sius utriusque Juris in eadem Universitate re-
gentibus & non regentibus, citra videlicet fe-
stum Sancti Michaelis Archangeli proximo præ-
teritum editorum concernentium responsiones
Baccaliorum Juris Canonici & Civilis ad Quæ-
stiones per Doctores Decretorum & Legum dis-
putandas noviter sint exortæ, legitimè proce-
dentes, discretis viris Magistris Johanne Gas-
coyn & Johanne Pakwode Decretorum, Johanne
Tresnaunt & Willielmo Todeworth Legum Docto-
ribus, dictæ Universitatis regentibus, ad infor-
mandum nos super præmissis per mandatum seu
breve Regium in hac parte eis directum specia-
liter & personaliter evocatis, pro se personali-
ter omnibusque Doctoribus, Baccalariis & Scola-
ribus Juris Canonici & Civilis ejusdem Univer-
sitatis, per discretum virum Magistrum Micha-
elem Cergeaux Clericum, & in Legibus Bacca-
larium eorum Procuratorem literatoriæ & legi-
timè constitutum sufficienter etiam comparenti-
bus ex parte unâ, ac venerabili viro Magistro Jo-
hanne

hanne Turk, sacrae paginae Professore & dictae U-
 niversitatis Cancellario, ac discretis viris Ma-
 gistris *Willielmo Wakefeld* Magistro in Artibus
 ejusdem Universitatis Procuratore, nec non
Willielmo Berton & Roberto Aylesham Baccalariis
 in Theologiâ & Magistris in Artibus pro se, &
 ut asseruerunt, nomine dictarum duarum facul-
 tatum Theologiae & Artium, absque tamen
 mandato sufficienti personaliter comparentibus
 ex parte aliâ, ad hoc, ut dicebatur, per easdem
 missis & etiam destinatis cæterisque omnibus
 Magistris in Theologiâ & Artibus regentibus &
 non regentibus prædictae Universitatis, ad com-
 parendum coram nobis Commissariis prædictis
 in instanti Parlamento per duos in hac parte suf-
 ficientem potestatem habentes, ordinationem
 instantis Parliamenti & nostram super præmissis
 diffensionibus, vice & auctoritate Regiâ facien-
 dum visur. & receptur. per breve Regium ritè
 & legitime evocatis sufficienter expectatis, &
 ut debuerunt, & tenebantur sufficientur com-
 parere non curantibus, sed se contumaciter &
 rebelliter absentantibus, ac per nos propterea
 contumacibus reputatis, ipsorum praesentia, ob
 quietem & tranquillitatem dictae Universitatis
 & studentium in eadem, & pro bono pacis ce-
 leriter reformand. secundum exigentiam dicti
 mandati Regii nullatenus expectatâ, set eorum
 absentiâ Dei repletâ praesentia, auditis per nos
 partium prædictarum Juribus, rationibus & al-
 legacionibus, ac ipsis & hujusmodi diffensionum
 ut licium meritis plenè cognitis, rimatis etiam
 & discussis, concurrentibus etiam omnibus in
 eâ parte requisitis, & in poenam contumaciae
 non comparentium, Dei nomine invocato, ad
 sententiae prolacionem in dicto Negocio die &
 loco infra scriptis processimus ac vice & aucto-
 ritate Regiâ & instantiâ Parliamenti prædicti,

ordina-

ordinavimus, statuimus, & diffinivimus, sub
 hac formâ verborum. *In Dei Nomine Amen.*
 Auditis per nos *Willielmum Londinen. Thomam E-*
lien. Adam Meneven. Radulphum Saresbiriensem,
& Willielmum Ciceſtrenſem Episcopos, Domini no-
 ſtri Regis Angliæ illustris, & ipſius Parliamenti in
 negotio infra ſcripto Commiſſarios, ad cognoscend.
 procedend. & ſine debito terminand. in qui-
 buſcumque controverſiis & litibus inter Cancel-
 larium Univerſitatis *Oxon.* & Magiſtros in The-
 ologiâ & Artibus regentes & non regentes, &
 eorum facultates, ex parte unâ, & Magiſtros
 ſeu Doctores in Jure Canonico & Civili, eo-
 rumque facultates & ſtudentes in eiſdem ex al-
 terâ, ſub certâ formâ, prout in certâ commiſſi-
 one dicti Domini noſtri Regis plenius apparet,
 quam hic pro expreſſâ haberi volumus, deputa-
 tos; & intellectis ac plenius diſcuſſis meritis
 dictorum negotiorum, nos *Willielmus Londinenſis*
Episcopus ſupradictus, vice & conſenſu Collega-
 rum noſtrorum prædictorum & noſtra, ordina-
 vimus, ſtatuimus & diffinivimus, quod Cancel-
 larius & Univerſitas *Oxon.* citrà *Festum Transla-*
tionis Sancti Thomæ Martyris prox. futur. ſtatuant
 cum plenâ ſolempnitate conſuetâ juxta formam
 & tenorem immediatè ſequentes, & quæcum-
 que alia Ordinationes & ſtatuta ſuper eâdem ma-
 teriâ jam noviter edita in Univerſitate prædictâ
 tollant, & ſubducant omninò, & pro nullis &
 caſſatis reputentur; nec non Magiſtros *Thomam*
Mountagu & Henry Ingelby & cæteros quoscumque
 bannitos, occasione contencionis ſive rixæ hu-
 juſmodi factæ, ad ſtatum ſuum priſtinum &
 plenum reſtituant ſine morâ, & quoscumque
 proceſſus, contra quoscumque Scholares eâ occa-
 ſione factos revocent: & quod de cætero nulla
 ſtatuta nova vel Ordinationes contra dictas fa-
 cultates *Juris Canonici & Civilis*, vel ſtudentes in
 e

eiſdem

eisdem faciant, nec fieri procurabunt, sub pœnâ amissionis omnium bonorum suorum temporalium Domino nostro Regi applicandorum, nec non revocationis omnium privilegiorum & immunitatum à Domino nostro Rege, & predecessoribus suis eis hætenus concessorum. Et si contingat quod infra terminum memoratum præmissa plenè & perfectè, ut præfertur, non expediantur & perficiantur omnino: Nos *Wilhelmus London.* Episcopus antedictus, vice & auctoritate quibus supra omnia & singula præmissa prout superscribuntur, ordinamus, diffinimus & statuimus ex nunc imperpetuum valitura, bannitosque prædictos restituimus, & eorum statum plenè reformamus in Universitate prædictâ, Statutaque & Ordinationes contra facultates prædictas *Juris Canonici & Civilis* edita & in futur. edend. supra dictâ materiâ cassamus, annullamus, & irritamus, cassa, nulla, & irrita pronunciamus, emendandi, corrigendi & interpretandi præmissa nobis quatuor vel tribus nostrum potestate reservatâ. Tenores verò statutorum per dictam Universitatem juxta Ordinationem nostram ut præmittitur edendorum & per nos in eventum editorum sequuntur sub hiis verbis. Statutum est, quod quilibet Baccalarius *Juris Civilis* qui prius pro formâ non responderit, requisitus à Doctore decretorum ad disputandum astricto ut sibi respondeat, dum tamen totam formam suam præter responsionem formalem prius compleverit quod ex tunc teneatur respondere, habitâ deliberatione trium mensium à requisitionis tempore numerandorum sub hâc pœnâ, quod aliter nec annus ille nec aliquis actus scolasticus ejusdem anni stet sibi pro formâ in aliquâ facultate, nisi excusationem rationabilem habeat coram Cancellario & Doctore *Juris Canonici vel Civilis*, & altero Procuratorum

torum vel duobus ipforum approbatam. Quod si pro responsione formali in Jure *Canonico* vel *Civili* pecuniam vel sibi æquivalens ex pacto receperit, eo ipso poenæ confimili se noverit subiacere, quibuscumque Ordinacionibus Magistrorum regentium, vel statutis Magistrorum regentium & non regentium Universitatis *Oxon.* super præmissis, vel eorum aliquo, anno Domini *Millesimo trecentesimo septuagesimo* quinto, secundum cursum & computacionem Ecclesiæ Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Item statutum est, quod cum Baccalarius Juris *Canonici* ante ejus inceptionem in Jure *Canonico* singulis Doctoribus regentibus in facultate Decretorum teneatur respondere requisitus à Doctore Decretorum, qui tenetur disputare ut sibi respondeat, si idem Baccalarius totam formam præter responsiones prius compleverit, & dummodo alicui Doctori per annum immediate præcedentem prius pro formâ non responderit, ac dummodo per tres menses ante diem responsionis fuerit requisitus & respondere recusaverit, nisi coram Cancellario ac Doctore Juris *Canonici* vel *Civilis* & altero Procuratore causam rationabilem ab eis vel à duobus ipforum approbatam allegaverit, quod nec annus ille, nec aliquis actus Scholasticus ejusdem anni infra Universitatem *Oxon.* eodem anno sibi cedat pro formâ. Et si Baccalarius quiscumque dictæ facultatis pro responsione formali in Jure *Canonico* vel *Civili* pecuniam vel sibi æquivalens ex pacto receperit, eo ipso poenæ confimili se noverit subiacere, quibuscumque Ordinacionibus Magistrorum regentium & non regentium ejusdem Universitatis super præmissis vel eorum aliquo, Anno Dom. *Millesimo trecentesimo septuagesimo* quinto secundum cursum & computacionem

tacionem Ecclesiæ Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Quæ quidem Ordinationem, diffinitionem & statuta nostra deducimus & deduci volumus per præsentēs; præcipientes, ac vice & auctoritate quibus supra sub poenâ prædictâ firmiter injungentes, ea omnia & singula à Cancellario & Universitate prædictis perpetuis temporibus inviolabiliter observari. In quorum omnium testimonium has literas nostras seu præsens publicum infra scriptum scribi & publicari mandavimus. Ac nos *Londoniensis, Eliensis, Menevensis, & Saresberiensis* Episcopi supradicti sigillorum nostrorum appensionibus fecimus communiri. Dat. & act. in Ecclesiâ *Sancti Pauli London.* primo die mensis *Julii*, anno ab incarnatione Domini secundum cursum & computationem Ecclesiæ *Anglicanæ*, Millesimo tricentesimo septuagesimo sexto, Indictione 14. Pontificatûs sanctissimi in Christo Patris & Domini nostri Domini *Gregorii* divinâ providentiâ Papæ undecimi anno sexto, Præsentibus tunc ibidem venerabilibus & discretis viris Magistris *Edmundo de Stafford* Canonico *Lincoln.* *Johanne Codeford* Archidiacono *Wiltsh.* *Adam de Metrum* Baccallario in Decretis, & *Gilberto Stone, Matthæo Meyvot, & Roberto Delfal*, publicis Apostolicâ auctoritate Notariis, nec non *Johanne Berton.* dictæ Universitatis Bedello, & aliis in multitudine copiosâ testibus rogatis specialiter ad præmissa. ff. Et ego *Johannes Prophet* Clericus *Menevensis* Diocesis, publicus Apostolicâ auctoritate Notarius præmissis ordinationi, statuto & diffinitioni, ac omnibus aliis & singulis dum sic ut in suprascriptâ sententiâ præmittitur agerentur, & fierent sub anno, Indictione, Pontificatu, mense, die & loco prædictis, unâ cum prænominatis testibus præsens interfui, eaque omnia

omnia & singula sic fieri vidi & audiui, scripsi, ac de mandato dictorum reverendorum patrum præcedencium in hanc publicam formam redegi, meisque signo & nomine consuetis signavi, rogatus in fidem & testimonium præmissorum. Nos autem Ordinationes prædictas prout per prædictos Episcopos factæ existunt, nec non literas ipsorum Episcoporum inde confectas, & omnia & singula in eisdem literis contenta, pro nobis & hæredibus nostris quantum in nobis est acceptamus, approbamus, ratificamus & confirmamus imperpetuum, prout dictæ literæ testantur. *In cujus &c. Teste Rege apud Westm. 8 die Julii, Anno regni nostri Anglie 50. regni verò Francie 37.*

Pro dimidiâ marcâ solutâ in Hanaperio.

These Ordinances were exemplified verbatim, and confirmed by King Rich. II. in the 20th Year of his Reign, in these Words: — Nos autem Literas & Ordinationes prædictas, & omnia & singula in eis contenta rata habentes & grata, ea pro nobis & hæredibus nostris quantum in nobis est, acceptamus, approbamus, ratificamus & confirmamus, sicut literæ prædictæ rationabiliter testantur. *In cujus, &c. T. R. apud Westm. 8 die April.*

Pro dimidiâ marcâ solutâ in Hanaperio.

RE X universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris & aliis fidelibus & subditis nostris, tam infra libertates quam extra, ad quos, &c. Salutem. Quia dissensiones & debatas inter Magistros & Baccalarios in The-
 Pat. 50. E. 3.
 pars I. intus.
 de Protectione
 pro Scolaribus
 Oxon.

ologia in Univerſitate Villæ Oxon. ex unâ parte, & Baccalarios in Jure *Canonico* & *Civili* ex alterâ parte occasione quorundam Statutorum ibidem de novo editorum motæ ſunt & ſubortæ, coram Prælatiſ & aliis Magnatibus Regni noſtri Angliæ decrevimus fore terminand. Ac volentes proinde ipſos Baccalarios in Jure *Canonico* & *Civili*, ac alios ſtudentes in eiſdem facultatibus, ne contingat ipſos in ſtudio ſuo & gradu in hac parte ſuſcipiendo impediri, favore proſequi gratioſo, ac ſtatum & gradum eorum interim ſervari pacificè & quietè, abſque innovacione ſeu occasione vel impedimento quovifmodo faciend. aliter quam ante brigam & rixam prædictas fieri conſuevit, ſuſcepimus ipſos Baccalarios in Jure *Canonico* & *Civili*, & omnes & ſingulos ſtudentes in eiſdem facultatibus, ac ſtatum & gradum eorum in protectionem & deſenſionem noſtram ſpecialem. Et ideo vobis & cuilibet veſtrâ injungimus & mandamus, quatinus ipſos omnes & ſingulos Baccalarios & ſtudentes in Jure *Canonico* & *Civili*, ac ſtatum & gradum ipſorum manuteneatis, protegatis & deſendatis, non inferentes eis ſeu eorum alicui inferri permittentes injuriam, moleſtiam, dampnum, violenciam, impedimentum aliquod ſeu gravamen. Et ſi quid eis forisfactum ſive injuriatum fuerit, id eis ſine dilatione corrigi faciatis. *In cujus &c. Teſte Rege apud Weſtm. 27 die Febr.*

Pat. 50. E. 3.
M. 35. dorſo.
De Cuſtodibus
Pacis in villâ
Oxon. conſtitu-
tus.

REX dilectis & fidelibus ſuis Cancellario Univerſitatis Oxon. vel ejus vices gerenti, ac Majori ejusdem Villæ qui nunc ſunt, vel qui pro tempore erunt, & Waltero Perle, David Hanne- mere, & Johanni de Baldyngton, ſalutem. Scia- tis, quod assignavimus vos conjunctim & diviſim ad pacem noſtram, nec non ad ſtatuta apud Wynton. Northt. & Weſtm. pro conſervacione pa-
cis

cis ejusdem edita in omnibus & singulis suis articulis in villâ *Oxon.* & in suburbio ejusdem custodiend. & custodiri faciend. & ad omnes illos quos contra formam statutorum prædictorum delinquentes inveneritis castigand' & puniend. prout secundum formam Statutorum eorundem fuerit faciendum, & ad omnes illos qui aliquibus de populo nostro de corporibus suis vel de incendiis domorum suarum minas fecerint, ad sufficientem securitatem de pace & bono gestu suo erga nos & populum nostrum invenendam coram vobis venire, & si hujusmodi securitatem invenire recusaverint, tunc eos in prisonâ nostrâ quousque hujusmodi securitatem invenerint salvâ custodiâ faciend. assignavimus, &c. Nolumus autem quod vos præfati Major, *Walter, David, & Johannes*, de aliquibus de quibus Cancellarius Universitatis prædictæ solus, virtute libertatum Universitati villæ prædictæ per nos & progenitores nostros concessarum cognitionem habere debet, colore præsentis assignacionis nostræ in aliquo intromittatis. *In cujus, &c. T. R. apud Westm. 13 die Febr.*

REX dilectis sibi Magistro Johanni Marre Pat. 51. Ed. 3. pars 1. m. 28. dorso. De Discordiis, &c. in Universitate Oxon. sedand. Doctori sacre Theologiæ, Magistro Johanni Packwode Doctori Decretorum, Magistro Philippo Bryan, & Magistro Thomæ de Moun- tagu Juris Civilis Baccalario, Salutem. Sciatis, quod cum, ut accepimus, factâ & celebratâ in Universitate nostrâ *Oxon.* in crastino Purificationis beatæ Mariæ prox. præterito, quadam congregatione modo & formâ quibus decuit, juxta statuta & privilegia Universitatis prædictæ, ac certis gratiis, dispensationibus & reconciliationibus diversis personis ibidem, ut est moris, debite factis & concessis, quidam Magistri in Artibus de dictâ Universitate, qui dictæ congregationi

gationi ex malitiâ & negligentia suâ propriâ non intererant, ac alii fautores & complices sui nonnullis personis facientibus gratias, dispensationes & reconciliationes hujusmodi, ac eas optinentibus invidentes, easdem gratias, dispensationes & reconciliationes pro viribus impedire procuraverint, & nitantur, & tam eas quam congregationem prædictam, si illorum potestas voluntatibus suis responderet, cassare vellent totaliter & adnullare, & sic diversæ manutentionis, conventicula illicita, dissensiones & discordiæ ibidem habita ac facta existant, quæ nisi celerius per nos pacificata fuerint & sedata, in statutorum & privilegiorum prædictorum læsionem & enervationem, ac Scholarium studentium in Universitate prædictâ perturbationem, commotionem & terrorem, ac totius Universitatis illius scandalum & opprobrium tendet manifestè: Nos volentes hujusmodi voluntariæ malitiæ & periculis prout convenit obviare, & omnimodas dissensiones & discordias ibidem habitas, ut per hoc statuta & privilegia prædicta absque violatione custodiantur, & scholares prædicti honestati moribus & studiis vigilantius & quietius vacent & intendant, ut tenemur, abolere; Et de circumspeditione & discretionem vestris plenius confidentes, assignavimus vos & tres vestrum ad inquirendum, & vos congruis viis & modis quibus melius & celerius expedire videritis informand. utrum prædicta congregatio ac dictæ concessiones gratiarum, dispensationum & reconciliationum debitæ factæ fuerunt, secundum formam statutorum & privilegiorum prædictorum nec ne? & si sic, tunc ad easdem congregationem, gratias, dispensationes & reconciliationes affirmand. & nostro nomine roborand. & quibuscumque vobis in hac parte reclamantibus vel contrariis silentium imponend.

nec

nec non ad diffensiones & discordias prædictas, & earundem causas & circumstantias examinand. sedand. pacificand. decidend. & finaliter terminand. & ad nos de nominibus vobis contrariantium in præmissis, si qui fuerint, in Cancellariâ nostrâ sub sigillis vestris vel trium vestrum certificand. ut pro eorum punitione ulterius fieri faciamus quod justum fuerit & ration. Et ideo vobis mandamus, quòd circa præmissâ cum omni sollicitudine & efficacîâ intendatis, & ea faciatis & exequamini, decidatis & terminetis, in formâ prædictâ. Damus autem Cancellario & Procuratoribus, ac Regentibus & Non-regentibus, & quibuscumque aliis Universitatis prædictæ, nec non Vic. ac Majori & Ballivis Oxon. tenore præsentium, in mandatis, quòd vobis & tribus vestrum in præmissis intendentes sint, consulentes, respondentes & auxiliantes, quotiens & prout per vos vel tres vestrum super hoc requisiti fuerint ex parte nostrâ. *In cujus, &c. Teste Rege apud Westm. 26 die Februarii.*

REX Cancellar. & Procuratoribus Universitatis Oxon. qui nunc sunt, vel qui pro tempore fuerint, salutem. Zelo fidei Christianæ, cuius sumus & semper esse volumus defensores, moti salubriter & inducti, volentes summo desiderio impugnatores dictæ fidei, qui suas pravas & perverfas doctrinas infra regnum nostrum Angl. seminare, & dampnatas conclusiones eidem fidei notoriè obviantes, tenere & prædicare jam noviter pessimè præsumpserunt & conantur, in perversionem populi nostri, ut accepimus, antequam ulterius in suis procedant erroribus & maliciis, vel alios inficiant, reprimere, & condignâ castigatione coercere; Assignavimus vos ad inquisitionem generalem, assistentibus vobis omnibus Theologis Universitatis prædictæ regentibus

Pat. 6. R. 2.
pars 1. m. 32.
De banniand.
& expellend.
a villâ Oxon.
omnes fautores
& receptatores certorum hæreticorum, &c.

gentibus faciend. ab omnibus & singulis Graduatis, Theologis & Juristis Universitatis ejusdem, si quos de jurisdictione Universitatis illius agnoverint, qui sint eis probabiliter suspecti de favore, credentiâ, vel defensione alicujus hæresis vel erroris, & maximè quarundam conclusionum per venerabilem patrem *Willielmum Archiepiscopum Cantuar.* de consilio sui cleri publicè dampnatarum, vel etiam alicujus conclusionis alicui earundem consimilis in sententiâ vel in verbis; & si aliquos de cætero inveneritis, qui quicquam prædictorum hæresium vel errorum, vel quemcumque consimilem crediderint, foverint, seu defenderint, vel qui Magistros *Johannem Wycliff, Nicholaum Herford, Philippum Repyngdon, vel Johannem Aston,* vel aliquem alium de aliquo prædictorum hæresium vel errorum, seu alio simili in verbis vel sententiâ probabili suspitione notatum, in domos & hospitia ausi fuerint receptare, seu cum eorum aliquo communicare, vel sibi defensionem aut favorem præbere præsumpserint aliqualem, ad hujusmodi fautores, receptatores, communicantes & defensores, infra septem dies postquam præmissa vobis constiterint, ab Universitate & villâ *Oxon.* banniend. & expellend. donec coram Archiepiscopo *Cantuar.* pro tempore existente suam innocentiam manifestâ purgatione monstraverint; Ita tamen, ut se purgare cogantur, ipsos tales esse nobis & eidem Archiepiscopo de tempore in tempus infra mensem sub sigillis vestris certificetis. Mandantes insuper quòd per universas aulas Universitatis prædictæ diligenter inquire & scrutari fac. indilatè, si quis aliquem librum sive tractatum de editione vel compilatione prædictorum Magistrorum *Johannis Wycliff* vel *Nicholai* habuerint, & quòd librum illum sive tractatum, ubicumque contigerit inveniri, arrestari,

stari, capi, & præfato Archiepiscopo infra mensem, absque correctione, corruptione, seu mutatione quâcumque, quo ad ejus sententiam vel verba, præsentari fac. Et ideò vobis in fide & ligeantiâ quibus nobis tenemini, & sub forisfacturâ omnium & singulorum libertatum & privilegiorum Universitatis prædictæ, & omnium aliorum quæ nobis forisfacere poteritis, injungimus & mandamus, quòd circa præmissa bene & fideliter exequenda diligenter intendatis, & ea fac. & exequamini in formâ prædictâ: Et quòd præfato Archiepiscopo, & ejus mandatis licitis & honestis, vobis in hac parte dirigend. pareatis, prout decet. Damus autem *Vic. & Majori Oxon.* pro tempore existentibus, ac universis & singulis *Vicecomitibus, Majoribus, Ballivis, Ministris,* & aliis fidelibus & subditis nostris, tenore præsentium, in mandatis, quòd vobis in executione præmissorum auxilientur, pareant & intendant. *In cujus, &c. Teste Rege apud Westm.*
13^o die Julii.

Per Consilium.

REX omnibus ad quos &c. salutem. Supplicârunt nobis Fratres ordinis prædicatorum in regno nostro Angl. ut cùm prædictus ordo institutus fuerit in subsidium Ecclesiæ, & ad expugnand. hæreses & errores, & ad prædicand. populo verbum Dei, ad quæ scientia & bona vita maximè requiruntur, in quibus Doctores prædicti ordinis in Universitatibus *Oxon. & Cantebrieg.* per præsentationem dicti ordinis consueverant examinari, & sic ad gradum Magisterii promoveri; & nunc quidam Fratres dictorum regni & ordinis notabiliter viciosi, ut puta apostatæ, & propter sua scelera carceribus in ordine condempnatî, mare transeuntes, subdolè

*Pat. 14. R. 2.
pars 1. m. 6,
De Fratribus
apostat.
ad gradum
magisterii non
promovend.*

&

& fraudulenter procurant sibi gradum Magisterii & alias exemptiones, in detrimentum Ecclesiæ, læsionem fidei Catholicæ, & præjudicium & scandalum nostrum & regni nostri, ac vercundiam ordinis antedicti; velimus ob zelum Dei, & fidei quem habemus ad Ecclesiam & ordinem antedictum, super præmissis de remedio congruo providere. Nos igitur ordinem antedictum & statum ejusdem cordi specialiter habentes, damus universis & singulis Fratribus regni nostri ordinis antedicti, tenore præsentium, firmiter in mandatis, quatenus ipsi sub forisfacturâ omnium quæ nobis forisfacere poterunt, nullum Fratrem apostatam ejusdem ordinis, seu in ordine antedicto carceri condemnatum, seu notabiliter viciosum, qui sibi gradum Magisterii seu gratias exemptorias procuravit, admittant ad libertates, honores, seu favores Doctoribus in Theologiâ in ordine prædicto consuetos, nec alicui tali Fratri faveant in aliquo præmissorum, sed omnem talem Fratrem solummodo secundum conversationem suam & demerita & statuta dicti ordinis pertractent, & etiam quantum poterunt nullum tamen apostatam seu notabiliter viciosum colerent seu permittant gratiis seu hujusmodi privilegiis exemptoriis gaudere, sed procurantem tales gratias exemptorias, seu eisdem utentem, sub poenâ præmissâ, secundum regulam dicti ordinis & statuta, tanquam suis professioni & ordini contrarium, tractent in omnibus, secundum sui ordinis disciplinam. *In cujus, &c. Teste Rege apud Westmonasterium primo die Decembris.*

Per Breve de Privato Sigillo.

QUIA

QUIA infuper nova via frequentius seducit
quàm antiqua; Volumus & mandamus,
quòd nullus libellus, five tractatus, per Magi-
strum *Johannem Wyckliff*, aut alium quem-
cumque tempore suo, aut citra, noviter compo-
situs, five in posterum componendus, amodò
legatur in scholis aut hospitiiis, seu locis aliis
quibuscumque infra nostram Provinciam ante-
dictam; five secundum ipsum doceatur, nisi per
Universitatem *Oxon.* aut *Cantebrig.* seu saltem
12 personas ejusdem, quas eadem Universitates
aut altera earundem, sub nostrâ successorumve
nostrorum discretione notabile duxerint eligen-
das, primitus examinetur, & examinatus una-
nimiter per easdem, deinde per nos seu succe-
sores nostros, expresse approbetur: & Univer-
sitatis nomine & auctoritate stationariis tradatur,
ut copietur, & factâ collatione fidei petentibus
vendatur justo pretio, five detur, originali in-
cistâ aliquâ Universitatis ex tunc perpetuò re-
manente. Quòd si quis libellum vel tractatum
hujusmodi in scholis vel alibi, ut suprà, legerit,
five secundum ipsum docuerit, contra formam
supradictam, ut seminator scismatis & fautor
hæresis puniatur, prout delicti qualitas flagi-
taverit.

Statuimus igitur & ordinamus, ut nemo de-
inceps textum aliquem sacræ scripturæ, aucto-
ritate suâ, in linguam Anglicanam, vel aliam,
transferat, per viam libri, vel libelli, aut tra-
ctatûs; nec legatur aliquis hujusmodi libellus,
aut tractatus, jam noviter tempore dicti *Johan-
nis Wyckliff*, five citra, compositus, aut in poste-
rum componendus, in parte vel in toto, publicè
vel occultè, sub pœnâ majoris excommunicati-
onis, quousque per loci diocesani, seu, si res
exegerit,

*Constit. Pro-
vinciales Tho.
Arundellis
Cant. Archiep.
in Convoca-
tione cleri ip-
sius Provincia
Oxon. cele-
brata A. D.
1408. &
publicata in
Eccles. S.
Pauli Lond.
in presentia
suorum suffra-
ganeorum, An.
1409.
Jodocus Ba-
dicius Constit.
Provincial.
ab Archiepisc.
Cant. edit.
f. 153. Pro-
vincialis Gui-
lelmi Linde-
wode, l. 5.
Tit. de Ma-
gistris, f. 205,
206.
H. Spelmanni
Concilia, Tom.
2. p. 665.*

exegerit, per Concilium provinciale, ipsa translatio fuerit approbata. Qui verò contra hoc fecerit, ut fautor hæresis & erroris similiter puniatur.

Provincialis,
l. 5. f. 205,
Ec.

William Lyndewood, in his *Gloss on the first of these Constitutions*, c. Johannem Wycliff, hath this Addition.

* *Fox's Acts*
and *Momum.*
vol. 1. p. 606,
607.

Hæresiarum magnum, qui multas hæreses antiquas resuscitavit in Angliâ tempore suo, & ex cujus doctrinâ tota * Bohemia intoxicata extitit, & est de præsentis : in tantum quòd Papa Martinus quintus modernus contra ipsos Bohemos fidei orthodoxæ rebelles cruciatum erexit hoc anno domini M.CCCC.XXIX. sub ducturâ reverendissimi patris Domini Henrici tituli sancti Eusebii Presbyteri Cardinalis Angliæ, dicti Wynton. in partibus Germaniæ, Hungariæ, & Bohemiæ Apostolicæ sedis legati ; & dicti Johannis Wycliff corpus, quod erat sepultum in ecclesiâ parochiale de Loterworth, Lincoln. Diocesis, ubi fuit rector, de † mandato & decreto sedis Apostolicæ fuit extrinatum, & ejus ossa combusta, cineribus eorundem projectis in proximum annum, ad damnationem & deletionem memoriæ suæ, reverendo patre Domino Richardo Flemmyng, Lincoln. Episcopo moderno præmissa exequente, anno Domini M.CCCC.XXVII.

Parl. 11. H. 4.
n. 50.

Item suppliount treshumblement sibien les Chivalers, Esquiers, & autres Gentiels des Countees d'Oxenford & Berk. come les Mair & Burgeyses de ville d'Oxenford, qe come nostre Seigneur le Roi ore tarde par disloial suggestion, ad graunt pur ses Lettres Patentes al Chancellor & Escolers del Universitee illoeqes, & leur successeurs a toutz jours, qils ne leur servantz,

servantz, ne null qe soit dessout leur privilege, ne ferroit mys a respoundre devant ascune Jugge nostre Seigneur le Roy de tresone, felonie, ou maheme, par eux fait deins la ville ou Countees suifditz, si non devant leur seneschal demesme, & en mesme la ville; & filz pledent al issue de pays, qe la moite de lenquest ferra pris par gentz queux sount dessouth leur privilege & leur servantz, retournez par les Bedelles du dicte Universitee; & qe chescun Jugge & Ministre nostre Seigneur le Roi doit liverer a eux les Appelles & Inditements des matiers suifditz, quant ils sount par eux requis, sur peyne de CC. L. le qele est molt encountre commune droit, la Ley du terre, & la regalte nostre Seigneur le Roy, & overt matier pur faire debate & diffencion entre l'Escolers illoeqes & les suppliantz avantditz, & autres lieges nostre dit Seigneur le Roy. Please a nostre Seigneur le Roy considerer la matier avantdit, & les mieschies queux purront avenir en icelle partie, & qe les ditz Lettres Patentes en ceste present Parlement soient repellez, adnullez, revokez, & tout outrement cassez, & de ce en avant pur nulle tenuz.

Resp. soit Briefe direct a Chaunceller d'Oxford destre devant le Counseill du Roy a Westminster a les Oeptaves de la Trinite prochains, pur y monstre les Charters de Libertees & Fraunchisees grauntees a la Universitee d'Oxford, & ait mesme le Counseil poair par auctorite de Parlement, appelez a eux les Justices & les Sergeantz du Roy, dexaminer le graunt fait de les ditz Liberteez & Fraunchisees, & qe surce de tielz Libertees & Fraunchises come leur semble molt prejudicielx au Roy, soient modittez & resourmez solone leur sages discrecions; & quant a les autres Libertees & Fraunchises comprisez en leur ditz Charters, queux

queux sont prejudiciels a mon Seigneur le Prince, ou a Levesque de Wynchestre, ou as autres personnes qont libertees, celles parties, soient les conseils sibien de mon dit Seigneur le Prince, come le dit Evesque, & de les autres personnes deffuifditz devaunt le dit Conceil, appelez a eux les Justices & Sergeantz deffuifditz, & oiez & entenduz lour raisons dambe parts, face mesme le Council par auctorite de Parlement, ce qe meultz leur semblera en les matiers deffuifdites.

*Pat. II. H. 4.
pars 2. m. 22.
intus. De
confirmatione
Oriell.*

REX omnibus ad quos, &c. salutem. Inspeximus quasdam Literas indentatas inter Cancellarium & Scholares Universitatis nostræ Oxon. & Præpositum & Scholares Collegii nostri de Oriell. ejusdem Universitatis factas, in hæc verba. Omnibus Christi fidelibus præsentis indentatas Literas inspectur. Nos Johannes Possell. Præpositus, & Scholares domûs beatæ Mariæ Oxon. Collegii de Oriell. aliàs Aulæ Regalis vulgariter nuncupatæ, Salutem. Cùm ex famâ veteri crebrescente librorum & monumentorum antiquorum aspectibus experimur, quòd quondam & ab antiquo domus quædam in cemeterio Ecclesiæ beatæ Mariæ Virginis Oxon. ex parte Boreali Cancellarij scituata Ecclesiæ supradictæ, domus Congregationis Universitatis Oxon. vulgariter nuncupata, per quendam ab Universitatis quondam antiquo Scholarem licentiâ præbiâ legitimâ omnium quorum interfuit in hac parte eliemofinariè ædificata fuerat & constructa, per dictamque Universitatem, Cancellar. videlicet & Scholares antequam dictæ Ecclesiæ Beatæ Mariæ nobis & domui nostræ supradictæ fuerat approbata, unita quomodolibet vel annexa, habita, possessa in

dispo-

dispositioneque liberâ Universitatis antedictæ, ante, citrà, & continuè in hunc diem recognitionis præsentium, tam in parte inferiori, quàm superiori, cum omnibus suis pertin. unâ cum libero & perpetuo ingressu & egressu ad eadem, cum potestate etiam liberâ aliam sive novam domum, ibi, si voluerit, & cum voluerit, seu quicumque alius vel quicumque alii Universitatis intuitu voluerit vel voluerint Cancellar. videlicet & Scholares antedicti, construend. Cujus quidem domus Congregationis dominium, possessionem pacificam, usumque quietum, & dispositionem liberam, cum pertin. ejusdem, ut prædicitur, per prædictos Universitatem, Cancellar. videlicet & Scholares, habitum & habitas, possessum & possessas, recognitum & recognitas, retentum & retentas ab antiquo prædecessores nostri nostræ domûs, nostra etiam & nos domûs antedictæ, sub sigillo eorum, ejusdem nostrumque communi, postquam legitimè Ecclesia prædicta appropriata nobis fuerat & annexa Cancellar. & Scholaribus antedictis, in nostrum nostræ domûs & Ecclesiæ meliorationem, commodum & augmentum, in benefactorum compensam diversorum, tam in oblationibus gratuitis, ornamentisque diversis dictæ jam nostræ Ecclesiæ per eosdem Cancellar. & Scholares pluries certis anni festis & temporibus factis, gratuitèque concessis, in majus commodum, uberiores etiam utilitatem dictæ nostræ jam Ecclesiæ & domui redundantium, quàm usus, dispositionis liberæ vel possessionis pacificæ Congregationis domûs accresceret supradictæ, oblationibus ornamentisque prædictis non factis inibi nec concessis, à nobis etiam & Ecclesiâ nostrâ retentis, ratificavit, confirmavit, concessit & recognovit, ratificârunt, confirmârunt, concesserunt & recognoverunt, ratificavimus,

ficavimus, confirmavimus, concessimus & recognovimus communi sub sigillo, reservato eis nobisque & domui nostræ in futurum perpetuo denario annuo Anglicano in festo Assumptionis beatæ Mariæ Virginis, si petitus fuerit, fideliter persolvendo; reservatis etiam oblationibus in domo prædictâ, tam inferiori quàm superiori, in divinis, sive ad ymaginem ymagineve tempore quocumque ibidem imposterum existentem vel existentes, in pecuniis vel localibus offerendis, si quæ fuerint, nobis & Ecclesiæ supradictæ nostræ impetracionibus seu concessionibus privilegiorum Domini nostri Papæ vel cuiusvis alterius, dictis Universitati, Cancellariis, videlicet & Scholaribus Congregationis prædictæ domive concessis, vel alias impetratis concedend. imposterum, vel quomodolibet impetrandis concedend. imposterum, vel quomodolibet impetratis in hac parte non obstantibus. Considerantes verò temporibus jam modernis, desiderio etiam omni cordis, vocis, & operis realiter affectantes, quòd Universitas antedicta jure, dominio, usu, possessione, dispositioneque liberâ, tam sub quàm supra, domus Congregationis antedictæ, cum suis pertinent. unâ cum libero & perpetuo ingressu & egressu ad easdem, inferiorem videlicet & superiorem, cum potestate etiam liberâ aliam & novam domum ibi, si voluerint, & cum voluerint, seu quicumque alius quicumqueve alii Universitatis intuitu devotè, eleemosinariè, voluntariève voluerit, Magistri videlicet & Scholares antedicti, construend. benè, pacificè, plenè & uberè, plenius & melius fruantur, uberius & utantur, perpetuis temporibus extunc & imposterum exnunc futuris. Nos Præpositus & Scholares antedicti recognoscentes, & per presentes sigillo nostro communi roboratas & mu-

nita

nitas recognoscimus, scimus veraciter & fate-
 mur, testimonium perhibentes in hac parte veri-
 tati pro nobis & successoribus nostris perpetuò,
 quòd à tempore, ante & citra, illius liberæ dispo-
 sitionis continuè in hunc diem, Universitas ante-
 dicta, Cancellar. videlicet & Scholares, in illâ
 domo totali Congregationes antedictâ, tam altâ
 quàm bassâ, cum pertin. suis, ut prædicitur,
 habuerunt, habere consueverunt, quietè & ju-
 ridicè habent & possident, usque pacificè in
 hunc diem, prout nobis liquet manifestè per
 præsentis, in Universitatis, Thomæ Prestbury
 Cancellar. videlicet Magistrorum & Scholarium
 præsentia, asserentibus, confitentibus, dicenti-
 bus sæpius pluries, & ex certâ recognoscentibus
 scientiâ, habuit & habuerunt, & jam habent
 dispositionem liberam per consuetudinem ap-
 probatam, possessionem, ut prædicitur, pacifi-
 cam, legitimèque præscriptam, per decem, vi-
 ginti, triginta, quadraginta, quinquaginta,
 sexaginta, ultra & citra, necnon per tempus &
 tempora cujus contrarii memoria non existit, * *Nota.*
 cum potestate, ut prædicitur, liberâ aliam &
 novam ibi domum construend. cum libero &
 perpetuo ingressu & egressu ad easdem, cum
 pertin. suis, ut prædicitur, hic expressis. Quam
 quidem domum cum pertin. ut prædicitur, ex
 causis præmissis, aliisque legitimis, sic per Uni-
 versitatem, Cancellar. videlicet & Scholares an-
 tedictos, habitam, possessam, dispositam & re-
 tentam, eidem Universitati traditam & recog-
 nitam, ratificatam, ut præfertur, consuetudi-
 natam per tempus & tempora † cujus contrarii † *Nota.*
 memoria hominum non extitit, laudabiliterque
 præscriptam, penes Universitatem prædictam,
 Cancellar. videlicet & Scholares, existere volu-
 nus, & perpetuò remanere, in bonisque Uni-
 versitatis consistere antedictæ: Nos, successo-

resque nostros temporibus futuris perpetuis existentes, ab omni juris & facti actione, petitione, clameo & titulo nobis, successoribus nostris & domui nostræ beatæ Mariæ supradictæ, contra prædictos Universitatem, Cancellar. videlicet & Magistros, ratione, occasione vel causâ domus prædictæ Congregationis, cum pertin. & descriptionibus, ut prædicitur, competenti vel competitur. imposteùm penitus & perpetuò fore & esse exclusos & privatos & exutos, discernimus & fatemur per præsentés. Hoc excepto, quòd nos & successores nostri domum prædictam Congregationis ingredi possumus liberè, sicut alii Universitatis Scholares gradus consimilis, prout moris est vel erit, cum voluerint, supradictam. Salvis semper nobis & successoribus nostris, & realiter reservatis Ecclesiæ nostræ & domui in futur. perpetuo prædicto annuo denario, si petitus per nos vel nostros fuerit successores, oblationibus etiam nobis reservatis sub eisdem modo & formâ clarè superius expressatis, cum potestate liberâ nobis quæ subsequitur reservatâ; videlicet, quòd si contingat dictum denarium annuum, vel oblationes in domo prædictâ factas, si quæ sint, à retrò existere in parte vel in toto, non solum vel solutas, post trinam requisitionem, Cancellar. Procuratoribus & Regentibus pro tempore existentibus, tribus diebus in domo prædictâ Congregationis, ex causâ Congregationis vel Convocationis, prout moris est in unum congregatis, perhabentem ad hoc specialem potestatem à domo prædictâ beatæ Mariæ eisdem sub eodem sigillo communi ostensam, præsentibus annexo; quòd tunc bene liceat nobis & successoribus nostris dictam domum superiorem tantum ingredi, & ibidem bona existentia etiam & domum occupare & retinere, quousque de dicto denario &

collacionibus à retrò existentibus plenariè fuerit
 satisfactum, recognitione, concessione, relaxa-
 tione prædictis in aliquo non obstantibus. Ut
 autem hujusmodi concessio, confessio, recogni-
 tio, traditio & dismissio domûs Congregationis
 prædictæ, per nos & nostram domum factæ,
 concessæ, traditæ & dismissæ per Universitatem
 etiam, Magistros & Scholares, ex hiis supra-
 scriptis & aliis, consuetudinariè, legitimè, ul-
 terius etiam memoriam hominum, ut prædici-
 tur, laudabiliterque præscriptam, nostra etiam
 & domûs nostræ confessio, recognitio & con-
 cordia præmissorum, uberius Universitati, Can-
 cellario, Magistris & Scholaribus accrescat &
 accrescant, firmius etiam & solidius in Univer-
 sitatis bonis consistat perpetuò domus Congre-
 gationis antedictæ, sine clameo, actione juris
 vel facti, remedio, impetitione, molestacione,
 inquietatione, perturbatione vel aliquibus, nisi, ut
 præmittitur, per nos nostrosve successores, vel
 nostram domum, aliquem vel alium nomine
 nostro vel domûs nostræ prædictæ, contra Uni-
 versitatem, Cancellar. Magistros & Scholares,
 ratione, occasione vel causâ domûs Congregatio-
 nis prædictæ in inferiori & superiori, & cum per-
 tin. ut præfertur, imposterum movend. suscitand.
 vel fiendis, Reverendissimus in Christo Pater
 & Dominus, Dominus *Thomas Arundell* Cantuar.
 Archiepiscopus, totius Angliæ Primas, Apostoli-
 cæ sedisque Legatus, in nostræ domûs & Eccle-
 siæ melioracionem, commodum & augmentum
 domûs, contemplatione Congregationis ante-
 dictæ in usus perpetuos Universitatis & quietos
 permanfuros existere & permanere debere in fu-
 turum, quinquaginta marcas bonæ & legalis
 monetæ Anglicanæ nobis domuique Ecclesiæ no-
 stris prædictis realiter præmanibus persolvit pro
 compensâ majori concordiaque perhenni jam
 inter

inter nos propter hoc perpetuò solidat. & ex abundanti quiete sempiternâ servand. fideliter partium prædictarum. In cujus rei testimonium partes prædictæ, Universitas videlicet & domus sanctæ Mariæ antedictæ, sigilla sua hiis Litteris alternatim apposuerunt. Dat. Oxon. in Ecclesiâ beatæ Mariæ Virginis decimo septimo die mensis Martii, anno Domini Millesimo CCCC. nono, & regni Regis Henrici post Conquestum, undecimo. Nos autem literas prædictas, ac omnia & singula in eisdem literis contenta, rata habentes & grata, ea pro nobis & hæredibus nostris, quantum in nobis est, acceptamus, approbamus, & tenore præsentium confirmamus, prout literæ prædictæ rationabiliter testantur. Et ulterius, ex mero motu nostro, & ob internam affectionem, quam ad Universitatem nostram prædictam gerimus, & habemus, de gratiâ nostrâ speciali concessimus præfatis Cancellar. & Scholar. & eorum successoribus, quòd licet dicta domus Congregationis præfatis Cancellar. & Scholaribus post statutum de religiosis de terris seu ten. ad manum mortuam non ponend. vel ante dictum statutum seu aliud statutum, causam, forisfacturam, vel quemcumque titulum, qui ad nos vel hæredes nostros in dictâ domo pertinere poterit, data, concessa, vel appropriata fuerit, iidem tamen Cancellarius & Scholares, & eorum successores, inde per nos vel hæredes nostros, Justic. Escaetores, Ballivos vel Ministros nostros vel hæredum nostrorum quoscumque, futuris temporibus, non impetantur, molestantur, inquietentur, vel graventur, set dictam domum habeant, & eâ gaudeant juxta effectum literarum prædictarum. In cujus, &c. T.R. apud Westm. 19 die Aprilis.

Per Breve de Privato Sigillo, & pro unâ Marcâ solutâ in Hanaperiâ.

REX

REX Cancellar. Universitatis sue Oxon. vel Pat. 12. H.4.
 ejus Commissariis, ac dilecto Consanguineo suo m. 17. dorso.
 Magistro Richardo Courtenay, nec non Magistro De inquiren-
 Rogero Cotyngbam, Clericis, salutem. Quia ex 40.
 relatu plurium certitudinaliter informamur,
 quod complures riotæ, discordiæ, divisiones &
 debata in Universitate prædictâ, inter nonnul-
 los de eâdem Universitate jam de novo motæ
 existunt & subortæ, per quæ pax nostra ibidem
 lædi, ac alia quamplura nobis & coronæ nostræ
 Regiæ præjudicialia, & populo nostro damp-
 nosa, verisimiliter generari formidantur, si super
 hoc remedium congruum citiùs non adhibeatur :
 Nos præmissa debite considerantes, ac dampnis
 & periculis quæ inde sequi possunt obviare vo-
 lentes, ut tenemur ; Assignavimus vos, super
 nominibus omnium & singulorum illorum de
 Universitate prædictâ, qui riotas, discordias,
 divisiones & debatas prædictas, in formâ præ-
 dictâ moverunt, aut eas causârunt, vel adhuc
 manutinent, qualiter & quomodo, tam per
 inquisitiones coram vobis per Clericos & gentes
 Laicas in formâ debitâ, & ibidem ante hæc tem-
 pora legitimè usitatâ, capiend. quàm aliis viis
 & modis licitis & honestis, quibus meliùs scive-
 ritis seu poteritis debite informand. & ad inqui-
 sitiones hujusmodi, unâ cum certificatione to-
 tius facti vestri in hac parte, cum præsens man-
 datum nostrum fueritis executi, nobis in Car-
 cellariam nostram sub sigillis vestris distinctè &
 aperte sine dilatione mittend. unâ cum hoc
 breve ; ut hiis inspectis, ulterius pro castiga-
 tione delinquentium prædictorum, de avisa-
 mento Consilii nostri taliter providere & ordi-
 nare valeamus, quod aliquis consimilia in Uni-
 versitate prædictâ movere, causare, aut manu-
 tenere

tenere non audeat in futurum, castigatioque hujusmodi omnibus aliis cedere valeat in exemplum talia perpetrandi. Et ideò vobis mandamus, quòd circa præmissa diligenter intendatis, & ea faciatis & exequamini in formâ prædictâ. Damus autem *Vic. nostro Oxon. ac Majori & Ballivis Villa Oxon.* nec non aliis fidelibus ligeis & subditis nostris ibidem, tam infra libertates quàm extra, tenore præsentium firmiter in mandatis, quòd vobis in executione præmissorum intendentes sint, consulentes & auxiliantes, prout decet. *In cujus, &c. Teste Rege apud Wyndesore, 24 die Aprilis.*

*Claus. 28. E. 1.
m. 3. dorso.*

REX dilectis sibi in Christo Cancellario & Universitati Oxon. salutem. Quia super jure & dominio quæ nobis in regno *Scotia* competit, & quæ antecessores nostri Reges *Anglia* in eodem regno *Scotia* habuerunt temporibus retroactis, cum jurisperitis & aliis de Consilio nostro speciale colloquium habere volumus & tractatum. Vobis mandamus firmiter injungentes, quòd quatuor vel quinque de discretioribus & in jure scripto magis expertis Universitatis prædictæ, ad Parlamentum nostrum apud *Lincoln.* mittatis; ita quòd sint ibi in Octabis sancti *Hilarii*, nobiscum & cum cæteris de Consilio nostro super præmissis tractaturi, vestrumque consilium impensuri: & hoc, sicut nos & honorem & commodum regni nostri diligitis, nullatenus omittatis. *Teste Rege apud le Rose, 28 die Septembris.*

Eodem modo mandatum est Cancellario & Universitati *Cantebr.* quòd mittant ad dictum Parlamentum duo vel tres de discretioribus & magis in jure scripto expertis Universitatis prædictæ, &c. *Teste ut supra.*

Excellentissimo Principi & Serenissimo Domino, *Bundel. Bre-*
 Domino E. Dei gratia Illustri Regi Angl. *vium & Lite-*
 fui (si placet) Cancellarius Universitatis Oxo- *rar. An. 28. &*
 nia, cætusque unanimis Magistrorum, Devotio- *29. E. i. in*
 nis obsequium, & reverentiæ debitum cum ho- *Turri Lond.*
 nore. Literas Regiæ Majestatis suscepimus, con-
 tinentes, ut ad vestrum Parliamentum *Lincoln.*
 pro arduis Regni negotiis pertractandis cum cæ-
 teris de consilio, quatuor saltem mitteremus
 Magistros. Sanè præceptis Regiis obtemperare
 propensius congaudentes, serenitati Regali Ma-
 gistros quatuor destinamus, quorum facta & no-
 mina apud Scholasticos † extolluntur, viros † *Nota.*
 utique Scientiâ Juris præditos, & moribus venu-
 statos, vestrique honoris & famæ fervidos zela-
 tores: Rogantes humiliter, ut Regiæ liberalita-
 tis immensitas & affluentia bonitatis ipsos digne-
 tur recommendatos habere, atque remittere,
 prosperatis vestro pro beneplacito negociis ex-
 peditis: Dierum longitudinem cum salute adjiciat
 vobis ille per quem Reges regnant, & Prin-
 cipes dominantur.

Excellentissimo Principi Domino, Domino Ed- *Ibidem.*
 wardo, Dei gratia, Regi Angliæ Illustri, de-
 voti sui Cancellarius Cantebrig. & tota Univer-
 sitas cum humili recommendatione; seipsos ad
 mandata paratos, & in Rege Regum feliciter
 triumphare. Ad mandatum Serenitatis vestræ
 providos viros & discretos Magistros *Simonem*
de Waldene Monachum, & *Hugonem Sampsonem*
 Jurisperitos, ad vestræ Dominationis præsen-
 ciæ destinamus; ut in viis quæ vos & regimen
 vestrum contingere dinoscuntur, pareant in om-
 nibus & intendant. Conservet vos, &c.

R E X

Pat. 1. E. 3.
pars 1. m. 13.
intus. Pro U-
niversitate
Cantebrigg. de
mulieribus
publicis extra
dictam villam
amovend.

REX omnibus ad quos, &c. salutem. Dignum esse censemus & gratum altissimo non immerito reputamus, quieti & honestati Scholari-um taliter providere, ut ipsi subtractis quibuscumque occasionibus ex quibus vagandi materi-
am valeant assumere seu aliter delinquendi, stu-
diis & disciplinis scholasticis intendant assidue
sicut decet. Considerantes itaque, quod per
mulieres publicas, si in villâ Cantebrigg. vel sub-
urbio ejusdem moram trahere sinerentur, damp-
na & pericula quamplurima multociens eve-
nire, & juvenes ibidem studentes juvenili lasci-
viâ stimulante, per mulieres hujusmodi decipi
poterunt de facili & fraudati, studium deserendo,
propriisque voluptatibus adherendo; con-
cessimus, quod nulla publica mulier infra di-
ctam villam Cantebr. vel suburbium ejusdem
conversetur & moretur. Et quod super hoc ad
denunciationem Cancellarii Universitatis Can-
tebr. vel ejus Vices-gerentis, quædam procla-
matio seu inhibitio ex parte nostrâ per Mayo-
rem & Ballivos dictæ Villæ, quater in anno
vel pluries si necesse fuerit, fiat in eâdem villâ.
Et si aliquæ hujusmodi mulieres ultra tres dies
post proclamationem seu inhibitionem hujus-
modi in villâ prædictâ vel suburbio ejusdem in-
veniantur conversantes, tunc ad denuntiationem
dicti Cancellarii, vel ejus Vices-gerentis, per
Mayorem & Ballivos villæ prædictæ, qui pro
tempore fuerint, capiantur & in prisonâ nostrâ
villæ illius imprisonentur, quousque per ipsum
Cancellarium vel ejus Vices-gerentem inde fue-
rint deliberatæ. *In cujus, &c. Teste Rege apud*
Not. 23. die Octobr.

Per ipsum Regem.

R E X

REX omnibus ad quos, &c. salutem. Scia-
tis, quod ad fructus uberes, quos dilecta
nobis Universitas Cantebrigg. Mater & Propa-
gatrix studentium peritorum in Ecclesiâ Dei
suâ fecunditate produxit, & etiam ad locum bo-
num quem fructuosi palmites, ex ipsius Univer-
sitis gremio prodeuntes, nobis & Progenitori-
bus nostris in Consiliis & agendis aliis tenuerunt
& tenere poterunt in futuro, dignæ consideratio-
nis intuitum dirigentes: ac pensantes, quod stu-
dentes ibidem tanto libentius & avidius profice-
re poterunt in studio, quanto magis à laicorum
& aliorum inquietudine liberi fuerint & quieti.
Volentésque consideratione præmissâ dictam U-
niversitatem favoribus prosequi gratiosis; volu-
mus & concedimus pro nobis & hæredibus no-
stris Cancellar. Magistris & Scholaribus Univer-
sitis prædictæ, & successoribus suis, quod in
causis Clericorum ejusdem Universitatis, ex
mutuis datis & receptis ac taxationibus & lo-
cationibus Domorum, equisconductis, venditis
seu commodatis, ac pannis & victualibus mu-
tuum habentibus, & aliis quibuscumque rerum mo-
bilium contractibus in villâ Cantebrig. seu sub-
urbis ejusdem ortum habentibus, prohibicio
nostra vel hæredum nostrorum de cætero ali-
quibus futuris temporibus non currat, nec lo-
cum habeat, sed causæ hujusmodi coram Can-
cellar. Universitatis prædictæ, qui pro tempore
fuerit, vel ejus Commissar. vel ejus locum te-
nente, non obstantibus hujusmodi Prohibicioni-
bus Regiis perpetuò decendantur. Volumus eti-
am & concedimus pro nobis & hæredibus nostris,
quod quilibet Burgenfis dictæ villæ pro familiâ
suâ & fervientibus suis, respondeat in empcioni-
bus & vendicionibus vini & aliorum victualium
quo-

Pat. 17. E. 3.
pars 2. m. 23.
intus. Pro
Universitate
Cantebr.

quorumcunque, ipsorum Burgenfium, tam in suburbiis quam villâ prædictis vendicioni expofitorum, ubi Scholaris eft una parcium, ipsis Burgenfibus de excessibus & injuriis per familiam vel fervientes fuos in hujusmodi empcionibus & vendicionibus factis, per præfatum Cancellar. vel ejus Vices-gerentem femel vel bis fi opus fuerit primitus debite præmunitis. Et quod dictus Cancellar. vel ejus Commiffar. aut Locum-tenens qui pro tempore fuerit, cognitionem de hujusmodi excessibus & injuriis in emptionibus & vendicionibus prædictis ubi ſcholaris eft una pars, ut prædicatur, habeat, & delinquentes in hac parte punire faciat, prout decet. Insuper, cum Cancellar. Universitatis prædictæ pro quiete ejusdem Universitatis, & confervacione pacis nostræ ibidem, ac malefactorum maleficiis refrenandis Clericos in eâdem Universitate delinquentes, tam pro ſuspicionibus & aliis cauſis diverſis pro majoribus dampnis & periculis evitandis, quam pro delictis ſuis inveſtigari & capi facere ſæpius & diverſimode oporteat, & committere cuſtodiam carcerali, & idem Cancellar. metuat ſe ad proſecutionem hujusmodi Imprifonatorum de imprifonamentis illis impoſteriorum prægravari, & nobis ſit ſupplicatum, ut indempnitati Cancellarii dictæ Universitatis velimus proſpicere in hac parte: Nos confiderantes, quod Pax noſtra ibique inviolabilitur obſervetur, & delinquentes in eâdem Universitate ad majorem quietem & tranquillitatem ejusdem debite caſtigentur; ac volentes Cancellarii Universitatis prædictæ pro tempore exiſtentis ſecuritati in præmiſſis providere, volumus & concedimus pro nobis & hæredibus noſtris, quantum in nobis eſt, quod Cancellarii ejusdem Universitatis qui hætenus fuerunt; vel ex nunc erunt, aut eorum Commiſſarii vel Loca-tenen-

tes,

tes, occasione imprisonamentorum Scolarum dictæ Universitatis, seu aliorum per ipsos Cancellarios pro conservatione pacis & quiete Universitatis prædictæ, ac punitione & castigatione malefactorum hujusmodi ibidem hætenus imprisonatorum, seu ex nunc imprisonandorum, illorum videlicet, qui in eadem Universitate in villâ & suburbiis prædictis Scolaribus seu eorum fervientibus, aut aliis de jurisdictione Universitatis prædictæ delinquentes inventi, seu de maleficiis ibidem perpetratis notoriè suspecti vel convicti fuerint, per Brevia nostra, vel hæredum nostrorum de audiendo & terminando, vel de falso imprisonamento, seu quovis alio colore in curiis nostris vel hæredum nostrorum sive aliis, aut alibi nullatenus occasionentur, inquietentur, molestentur in aliquo seu graventur. In cujus, &c. *Teste Rege apud Westm. 19 die Septembr.*

REX omnibus ad quos, &c. salutem. Ut Pat. 6. R. 2. ^{pars 2. M. 2.}
Magistri & Scholares Universitatis nostræ ^{intus. Pro} *Cantebrig.* suis studiis & scholasticis actibus va- ^{Universitate}
cent tranquillius & intendant, & ipsi ac alii ^{Cantebrig.}
sub jurisdictione Cancellar. dictæ Universitatis
existentes, eo vigilantius ab excessibus, offensis,
contumaciis & injuriis se abstineant committen-
dis, quo commissa noverint propinquiùs puni-
end. de gratiâ nostrâ speciali, & ad instantiam
dilecti nobis in Christo fratris *Thomæ Russhok*
de ordine Prædicatorum, Confessoris nostri, con-
cessimus, quod Cancellar. Universitatis prædi-
ctæ, qui pro tempore fuerit, per literas suas pa-
tentes Cancellar. nostro *Angl.* pro tempore exi-
stenti significare possit, & certificare, de nomi-
nibus singulorum de jurisdictione præfati Can-
cellar. *Cantebrig.* qui majoris excommunicationis
vinculo

vinculo fuerint innodati, & quod dictus Cancellarius noster *Angl.* qui pro tempore fuerit, Brevia nostra in Cancellar. nostrâ fieri, & sub magno sigillo nostro consignari faciat pro captione illorum de jurisdictione prædictâ, qui sic per dictum Cancellar. *Cantebrig.* fuerint excommunicati, & per quadraginta dies perseveraverint in eâdem, ad significationem sive certificationem ipsius Cancellar. *Cantebrig.* supra dictam, per quinquennium prox. jam ventur. prout ad significationem & certificationem Episcoporum *Angl.* præfato Cancellar. *Angl.* faciend. de excommunicatis auctoritate ipsorum Episcoporum hujusmodi capiend. fit & fieri consuevit, & * prout Cancellar. Universitatis *Oxon.* hujusmodi privilegium ex concessione nostrâ per certum tempus dinoscitur optinere. *In cujus,* &c. per dictum quinquennium duratur. Teste Rege apud *Westm.* 8 die *Aprilis.*

Per Breve de Privato Sigillo, & per finem dimid. marc.

Bulla Sixti IV. ad confirmandas Chartas Universitatis Oxon. concessa.

A. D. 1479. F. F. fol. 74. & A. 9, &c. **S**IXTUS Episcopus Servus Servorum Dei ad perpetuam rei memoriam. Sedis Apostolicæ relictio, quæ in suis Actibus providâ circumspeditione dirigitur, bene merentibus præmia largiter confert, & illis concessis novæ probationis adjecto beneficio specialis favoris gratiam impertitur iis, quos facti evidentia designanter denotans & obsequiosos cognoscit eadem, ut & ipsi ad ejus beneplacita promptiores existant, & alii ad eorum exempla & similia propensius

penſiùs excitentur. Dudum ſiquidem felicis re-
 cordationis *Bonifacia* Papæ 8. Prædeceſſore
 noſtro pro parte Cancellarii Magiſtrorum Docto-
 rum & Scholarium Univerſitatis ſtudii *Oxon.*
Lincoln. Diœc. expoſito, quòd nonnulli claræ
 memoriæ *Anglia* Reges, qui fuerant pro tem-
 pore, pro maiore quiete & tranquillitate ſtu-
 dentium in eodem ſtudio, iſſis Magiſtris, Do-
 ctoribus & Scholaribus nonnulla ex poſt—
 per tunc *Angliæ* Regem approbata inter alia
 conceſſerant, quòd Cancellarius dicti ſtudii pro
 tempore exiſtens haberet omnimodam cognitio-
 nem vel quaſi quorumque contractuum facto-
 rum, nec non punitionem ſeu quaſi delictorum
 commiſſorum pro tempore infra limites Uni-
 verſitatis prædictæ, ubi ſaltem altera partium
 Scholaris vel ſerviens ejus aut aliàs juridiſctioni
 dicti Cancellarii ſubjectus eſſet; ita quòd nul-
 lus Scholaris præſati ſtudii vel ſerviens ipſius ſeu
 de huiusmodi juridiſctione dicti Cancellarii exi-
 ſtens occasione præmiſſarum vel alicujus earun-
 dem etiam tam per brevia Regia extra præſatam
 Univerſitatem trahi potuiſſet, tribus caſibus,
 viz. Homicidio, mutilatione & libero tenemen-
 to duntaxat exceptis; quodque ipſi Magiſtri,
 Doctores & Scholares, vigore conceſſionum hu-
 iusmodi in pacificâ poſſeſſione vel quaſi privile-
 giorum ſuorum fuerant à tempore cujus contra-
 rii memoria non erat; ac eidem prædeceſſori
 pro parte eorundem Magiſtrorum, Doctorum
 & Scholarium ſupplicato, ut eis ſimilem con-
 ceſſionem facere ac ipſos ab omni juridiſctione,
 dominio & poteſtate quorumcunque Archiepiſ-
 coporum, Episcoporum, etiam Legatorum na-
 torum dictæ ſedis, nec non Episcoporum & ali-
 orum Ordinariorum Judicum quoad contractuum
 initorum vel quaſi, nec non exceſſuum ac
 delictorum infra huiusmodi limites præſatæ U-
 niver-

niversitatis commissorum cognitionem & ipsorum excessuum ac delictorum nec non contra-
ctuum vel quasi correctionem & punitionem una
cum ipso Cancellario quoad præmissos duntaxat
non ut præfertur exceptos casus & omnes actus
Scholasticos autoritate Apostolicâ exemit &
totaliter liberavit, ipsosque Scholares & perso-
nas alias quamdiu in præfato studio ut præfer-
tur degissent, præfato Cancellario subjecit; ita
quòd idem Cancellarius de contractibus initis ac
excessibus delictorum, nec non criminibus com-
missis per Scholares & alias personas huiusmodi
cognoscere, excessusque crimina & delicta hu-
iusmodi corrigere & punire, ac omnem Jurisdic-
tionem etiam scholasticam & spiritualem in e-
osdem Scholares & personas alias exercere libe-
rè & licitè valeret secundum statuta, privilegia
& consuetudines studii prælibati, nec non qualli-
bet excommunicationum, suspensionum & in-
terdicti sententias, ac quoscunque processus,
quas & quos contra præfatos Cancellarium,
Scholares & alias personas dicti studii contra te-
norem & formam exemptionis & liberationis
huiusmodi promulgari & haberi contingeret, in-
ritos decrevit & inanes, Jurisdictione tamen &
potestate prælibati Cancellarii Universitatis &
Collegiorum ejusdem statutis & consuetudinibus,
privilegiis & libertatibus illis, præsertim
quibus caveri dicitur, quod in præmissis Pro-
curatores & congregatio Magistrorum dictæ U-
niversitatis in huiusmodi Cancellarii Jurisdictionem
haberent in omnibus semper salvis prout in
ipsius Bonifacii Prædecessoris literis desuper
confectis, quarum tenores hic pro insertis & pro
expressis haberi volumus, plenius continetur.

Cum autem sicut accipimus, dilecti filii mo-
derni Cancellarius, Magistri, Doctores, & uni-
versi Scholares præfatæ Universitatis cupiunt

præ-

præmissis omnibus pro illorum subsistentiâ fir-
 miori, nostri adjici muniminis firmitatem ; Nos
 qui præfatos Cancellarium, Magistros, Docto-
 res & Scholares universos ob fervorem puræ
 devotionis & fidei, quam ad nos & Romanam
 gerunt Ecclesiam, speciali dilectione prosequi-
 mur, præfatorum, tam per charissimum in Chri-
 sto filium Edvardum modernum, quàm alios
 præfati regni Angliæ reges, eidem Universitati
 & in eâ studentibus concessorum privilegiorum
 tenores præsentibus pro expressis habentes, mo-
 tu proprio, non ad ipsorum Cancellarii, Magi-
 strorum, Doctorum, & Scholarium, aut ali-
 quorum aliorum instantiam, sed de nostrâ merâ
 liberalitate privilegia, concessiones, exemption-
 nes & alia indulta, tam per prædecessores,
 quàm modernum & alios dicti regni Reges, eis-
 dem Cancellario, Magistris, Doctoribus atque
 Scholaribus, in genere vel specie data & con-
 cessa, & prout illa concernant, omnia & singu-
 la, tam in Regum quàm prædecessoris prædi-
 torum literis contenta, authoritate Apostolicâ
 tenore præsentium confirmamus & approbamus,
 ac robur perpetuæ firmitatis obtinere debere de-
 cernentes, præsentis scripti patrocinio, com-
 munimus, suppletes omnes & singulos defectus,
 tam juris quàm facti, si qui forsan intervenissent
 in eisdem. Et nihilominus quia sicut etiam ac-
 cipimus, nonnunquam contingit Magistros, Do-
 ctore & Scholares dictæ Universitatis, statuto-
 rum & ordinationum ejusdem, propter illorum
 multitudinem, ac per eos de illis observandis
 præfitorum juramentorum immemores, de per-
 rii reatu notari, ac in pœnas in dictis statutis
 contentas incidere, & diutiùs in illis remanere ;
 propter quæ inter Magistros, Doctores & Scho-
 lares præfatos dissensiones, jurgia & scandala
 plurimum oriuntur ; Nos hujusmodi scanda-
 lis

lis obviare, ac ipsorum Magistrorum, Doctorum & Scholarium commoditati & quieti consulere volentes, motu simili & ex certâ nostrâ scientiâ, moderno & pro tempore existenti dictæ Universitatis Cancellario, Magistros, Doctores & Scholares universos, qui in præfatâ Universitate pro tempore degerint, quique ob transgressionem vel omissionem statutorum & ordinationum hujusmodi in perjurii vel aliam quamvis pœnam inciderint, si id humiliter petierint, ab hujusmodi perjurii reatu, & aliis pœnis propter præmissa per eosdem Magistros, Doctores & Scholares forsân incurfis, simpliciter vel ad cautelam, quantum expediens erit, per se vel per alium seu alios absolvendi, injunctis pro modo culpæ & transgressionis statutorum hujusmodi qualitate pensatâ, arbitrariâ & salutari pœnitentiâ, & aliis quæ de jure & consuetudine laudabili fuerint, prout noverit, injungenda, ac cum eisdem Magistris, Doctoribus & Scholaribus sic ut præmittitur transgressoribus, ut ad gradus meritos promoveri, & promoti gradibus hujusmodi uti ac officia exercere, nec non beneficia quæcunque sicut prius retinere liberè & licitè valeant, dispensandi, omnemque inhabilitatis & infamiæ seu perjurii maculam sive notam, per se vel alium seu alios abolendi, ac illos in pristinum statum in quo antequam deliquissent seu dejerâssent, erant, cujus alterius super hoc licentiâ minimè requisitâ, reponendi & restituendi, auctoritate & tenore præmissis, licentiam concedimus & etiam facultatem.

Cæterum quia difficile esset, propter itinerum distantiam & viarum pericula, pro singulis occurrentibus negotiis has nostras literas ad singula quæque huc transferri, etiam volumus, ac eisdem Cancellario, Magistris, Doctoribus & Scholaribus concedimus & decernimus, quod
harum

harum literarum nostrarum verè transcripto manu Notarii publici signato & subscripto, nec non alicujus Prælati aut Curie sigillo authentico sigillato, stetur, & tanta fides adhibeatur in judicio & extra, ac ubique, quanta eisdem originalibus literis, si darentur & exhiberentur; non obstantibus S. memoriæ *Innocentii* Papæ IV. etiam prædecessoris nostri, & quibuscumque aliis Apostolicis, nec non bonæ memoriæ *Ottonis* & *Ottoboni* olim in præfato regno Apostolicæ sedis Legator. nec non in provincialibus & synodalibus Conciliis editis generalibus & specialibus constitutionibus, ac præfatæ Universitatis etiam juramento, confirmatione Apostolicâ vel quâvis firmitate aliâ roboratis statutis & consuetudinibus: nec non omnibus illis quæ idem *Bonifacius* prædecessor suis literis voluit non obstare, cæterisque contrariis quibuscumque. Et insuper ex nunc irritum decrevimus & inane, si secus super his à quoquam quâvis autoritate scienter vel ignoranter contigerit attemptari. Nulli ergo omnino hominum liceat hanc paginam nostræ confirmationis, approbationis, constitutionis, communitiois, suppletionis, concessionis, decreti & voluntatis infringere, vel ei ausu temerario contraire. Si quis autem hæc attemptare præsumpserit, indignationem omnipotentis Dei ac beatorum *Petri* & *Pauli* Apostolorum ejus se noverit incursum. Dat. *Roma* apud S. Petrum anno Incarnationis Dominicæ 1479. Id. Septemb. Pontificatus nostri anno nono.

A P P E N D I X.

Bulla Urbani quinti Pont. Max. Romani ad Universitatem Oxon. transmissa.

U*Rbanus* Episcopus, servus servorum Dei dilectis filiis universis Doctoribus, Magistris & Scholaribus studii *Oxon. Lincoln. Dioc.* salutem & apostolicam benedictionem. Indefinientis curæ, velut totius Dominici gregis Pastor, solitudine premimur, & assiduæ meditationis excitamur instantiâ, ut studia literarum & ibidem studentes prosperè & salubriter dirigantur, & à gravaminibus releventur, & ad id quantum cum Deo possumus partes vestræ sollicitudinis adhibemus. Sanè nuper ad nostrum pervenit auditum, quòd secundum statuta & consuetudines Universitatis studii *Oxon. Lincoln. Dioc.* Cancellarius Universitatis ejusdem studii, qui ipsius Universitatis Caput & Rector fore dignoscitur, per Doctores & Magistros in eâdem Universitate regentes quolibet biennio eligi & assumi debeat; quòdque Episcopus *Lincoln.* pro tempore existens, hujusmodi Electionis confirmationem ex quâdam consuetudine sibi nititur vindicare, quòdque Doctores & Magistri qui ad ipsum Episcopum pro Electionis confirmatione hujusmodi obtinendâ transmittuntur, quique magnis fatigantur laboribus & expensis, & ad remotas partes quandoque insequuntur eundem; propter quod vobis damna & detrimenta gravia inferuntur, & propter jurisdictionis suspensionem pravi impunè peccant, & tota vestra

A P P E N D I X.

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vestra Universitas fluctuat, Rectore & Capite destituta. Quare pro parte vestrâ nobis humiliter fuit supplicatum, ut providere super præmissis de benignitate Apostolicâ dignaremur. Nos itaque hujusmodi supplicationibus inclinati, quòd eo ipso quòd aliquis in Cancellarium dictæ Universitatis per dictos Doctores & Magistros Regentes legitimè erit electus, censeatur confirmatus, & aliâ confirmatione non egere, vobis tenore præsentium de gratiâ concedimus speciali. Nulli igitur hominum liceat hanc paginam nostræ Concessionis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei & Beatorum *Petri & Pauli* Apostolorum ejus se noverit incursum. Dat. *Romæ* apud *S. Petrum* 6 Id. Nov. &c.

Bulla Eugenii Papæ quarti ad Cantabrigiam transmissa.

A. D. 143.

Eugenius servus servorum Dei, ad futuram rei memoriam : Dum attentæ considerationis indagine perscrutamur, quòd per literarum studia, favente charismatum cunctorum largitore Domino, viri succrescunt scientiis eruditi, divini nominis fideique catholicæ cultus protenditur, omnisque prosperitas conditionis adaugetur humanæ, libenter non solum loca quibus hujusmodi studia vigent, illorumque supposita, gratiis & libertatibus fulcire satagimus, sed etiam illa quæ pro studiorum subsistentiâ, nec non eorum & suppositorum hujusmodi favoribus proinde facta comperimus, ut illibata persistant, cum à nobis petitur, Apostolicæ confirmationis munimine roboramus. Dudum siquidem ex parte dilectorum filiorum Magistrorum, Doctorum & Scholarium Universitatis studii Cantabrigiæ, Eliensis Diocesis, piæ memoriæ Martino Papæ quinto prædecessori nostro exposito, quòd olim sælicis recordationis Honorius Papa primus & prædecessor noster, pro incremento & in favorem Doctorum & Scholarium, qui tunc erant & pro tempore forent, Universitatis hujusmodi, per quasdam literas sub dat. Romæ apud Sanctum Petrum, anno ab Incarnatione Domini sexcentesimo vigesimo quarto, die septimo mensis Februarii, inter cætera districtius inhibuerat sub pœnâ Excommunicationis, quam veniens in contrarium ipso facto incurreret, ne quis Archiepiscopus, Episcopus, Archidiaconus, aut eorum Officiarii in aliquem Doctorum & Scholarium earundem, suspensionis, excommunicationis

nicationis seu interdicti sententias ferre, aut ip-
 sos vel familiares ipsorum molestare præsumant,
 sed Rector ipsorum Doctorum & Scholarium,
 de consilio seniorum & saniorum ejusdem Uni-
 versitatis, secundum eorum statuta, charitate
 semper mediâ, corrigere & emendare studeret,
 prout studentium saluti magis videretur expe-
 dire: Ac piæ memoriæ *Sergius* etiam primus
 similiter prædecessor noster, etiam pro incre-
 mento & in favorem hujusmodi, per alias suas
 literas sub dat. in Ecclesiâ *Lateranensi*, anno ab
 incarnatione verbi sexcentesimo octuagesimo *A. D. 689*,
 nono, die tertio mensis Maii, inter alia decre-
 verat, quod nulli Archiepiscopo liceret Univer-
 sitatem prædictam, aut aliquem Doctorum aut
 Scholarium eorundem suspendere vel excommu-
 nicare, seu quomodolibet sub interdicto ponere,
 absque summi Pontificis assensu vel ejus speciali
 mandato; quodque super inhibitione ac decre-
 to, nec non *Honorii* & *Sergii* prædecessorum su-
 perinde confectis literis hujusmodi, quædam ip-
 sius Universitatis antiqua statuta communi con-
 sensu, & deliberatione maturâ Magistrorum &
 Doctorum prædictorum, ad bonum regimen &
 stabilitatem ejusdem Universitatis ordinata fun-
 dabantur; ipsorumque inhibitionis & decreti
 & literarum vigore, Cancellarius dictæ Univer-
 sitatis pro tempore existens (qui Subcancellarii
 denominatione inibi vicem Rectoris obtinuerat
 & tunc obtinebat) omnimodam super corrigen-
 dis puniendisque excessibus suppositorum seu
 personarum ejusdem Universitatis, ac cognos-
 cendis ac decidendis causis & negotiis supposita
 & personas hujusmodi contingentibus, juris-
 dictionem ecclesiasticam & spiritualem exer-
 cere consueverat. Quodque de originalibus di-
 ctorum *Honorii* & *Sergii* prædecessorum literis
 hujusmodi, ex eo quod propter diuturnitatem

temporis, cùm tunc septingenti anni & ultra ab illarum concessione defluxerant, aut ex earum custodum negligentia, aut alias casualiter deperditæ vel amissæ fuerant, licet plurimæ ipsarum copiarum de antiquissimâ scripturâ in Archivis ejusdem Universitatis reconditæ extare noscerentur, doceri nequiret: ipse *Martinus* prædecessor noster per suas literas dilectis filiis Priori Monasterii de *Barnewelle* per Priorem soliti gubernari, dictæ Diœceseos, ejus proprio nomine non expresso, & *Johanni Deping* Canonico *Lincolniensi* in eâdem Diœcesi residenti, cum clausulâ, quod si non ambo his exequendis posset interesse, alter ipsorum ea nihilominus exequeretur, dedit in mandatis, ut iis singulorum literarum *Honorii* & *Sergii* prædecessorum singulis copiis hujusmodi in formâ publicâ exhibitis, si & postquam ipsis legitimè constaret, Magistros, Doctores & Scholares qui pro tempore fuerant, ac Universitatem prædictam in pacificâ possessione, vel quasi usus & exercitii ecclesiasticæ spiritualisque jurisdictionis & observationis, Inhibitionis & Decreti hujusmodi, à tanto tempore fuisse & esse, quod memoria in contrarium non existeret, eisdem Magistris, Doctoribus & Scholaribus observantiam Inhibitionis & Decreti, nec non usum & exercitium jurisdictionis ecclesiasticæ ac spiritualis hujusmodi, autoritate suâ approbarent & etiam confirmarent, prout in prædictis ipsius *Martini* prædecessoris literis plenius continetur. Postmodum verò, sicut exhibita nobis nuper pro parte Magistrorum, Doctorum & Scholarium prædictorum petitio continebat, ipse prior (eodem *Johanne* dictarum literarum præfati *Martini* prædecessoris executioni interesse nequeunte, seque super hoc legitimè excusante) quia per ipsarum copiarum exhibitionem, nec non alia acta acti-

tata

APPENDIX.

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tata & deducta coram eo, sibi dictos Magistros, Doctores, Scholares & Universitatem à supradicto tempore in possessionem hujusmodi absque perturbatione, molestatione, vel inquietatione Archiepiscoporum, Episcoporum, Archidiaconorum, aut aliorum Officialium quorumlibet fuisse & esse, legitimè constitit, ipsosque Archiepiscopos, Episcopos, Archidiaconos & Officiales à præfatâ jurisdictione se totaliter abstinuisse reperit, observantiam inhibitionis & decreti, nec non usum & exercitium jurisdictionis hujusmodi Magistris, Doctoribus & Scholaribus præfatis, vigore dictarum literarum ejusmodi *Martini* prædecessoris, sententialiter approbavit, laudavit, ratificavit pariter & confirmavit, prout & in literis authenticis desuper confectis latius cognoscitur contineri. Quare pro parte dictorum Magistrorum, Doctorum & Scholarium nobis fuit humiliter supplicatum, ut approbationi, laudationi, ratificationi & confirmationi prædictis, pro illarum subsistentiâ firmiori, robur Apostolicæ confirmationis adjicere de benignitate Apostolicâ dignaremur. Nos itaque hujusmodi supplicationibus inclinati, approbationem, laudationem, ratificationem & confirmationem prædictas, ac quæcunque inde secuta, rata habentes & grata, illâ Apostolicâ auctoritate confirmamus, & præsentis scripti patrocinio communimus, supplentes omnes defectus, siqui forsitan intervenerint in eisdem. Nulli ergo omnino, &c. Dat. Romæ apud S. Laurent. anno 1433, &c.

Charta

*Charta Henrici quarti tam Oxon. quam
Cantabrigiæ concessa.*

Pat. 5. H. 4.
pars 1. m. 29.
pro Universi-
tatibus Oxon.
& Cantabrig.

REX omnibus ad quos, &c. salutem. Sciatis, quod Nos, ad honorem omnipotentis Dei (in cuius clementi bonitate, & non alio, spem semper posuimus & habemus) nec non caritatis intuitu, ac in cleri & virtutis augmentum, ut in vineâ Domini tales cultores ponantur in posterum, quorum industriâ, scientiâ, doctrinâ & conversatione fructus salutis animarum abundantius valeant accrescere, & tempore messis ad horreum Domini ultra granum centesimum augmentari: ex regiâ benignitate & gratiâ nostrâ speciali, nec non ad supplicationem carissimæ consortis nostræ Johannæ Reginæ Angliæ, concessimus, & licentiam dedimus pro nobis & Hæredibus nostris, quantum in nobis est, dilectis nostris Cancellariis, Doctoribus & Magistris, nec non Baccalaureis & aliis quibuscunque graduatis & graduandis personis in Universitatibus nostris *Oxon. & Cantabrig.* quod ipsi futuris temporibus in perpetuum, viz. Doctores & Magistri ac Licentiati in sacrâ Theologiâ, jure Canonico & Civili, singuli eorum, in Metropolitanis & Cathedralibus, Collegiatis & Conventualibus Ecclesiis Regni nostri *Angliæ* ac partium *Walliæ*, ac terræ nostræ *Hiberniæ*, ad dignitates electivas etiam majores post pontificales, ac administrationes, personatus & officia, nec non Canonicatus & Præbendas; ac ipsi & alii Baccalaurei & graduati prædicti, singuli eorum, qui dignitates in Ecclesiis Metropolitanis & Cathedralibus, vigore hujusmodi nostræ licentiæ prius non sunt realiter consecuti, ad quæ-

quæcunque beneficia & officia Ecclesiastica Curata & Non-Curata consueta Clericis secularibus assignari, ad collationem, præsentationem, nominationem seu quamvis aliam dispositionem Archiepiscoporum, Episcoporum, Decanorum, Priorum & Capitulorum, nec non Abbatum, Priorum & aliorum quorumcunque Patronorum Ecclesiasticorum, à Domino summo Pontifice gratias expectativas seu provisiones in præmissis eis & eorum cuilibet necessarias impetrare, ac vigore hujusmodi gratiarum, dignitates, personatus & officia, nec non Canonicatus & Præbendas, ac alia beneficia & officia Curata & Non-curata sub gratiis hujusmodi cadentes & cadentia, ac jam occupatas seu occupata; seu de cætero vacaturas & vacatura, de facto cum vacaverint per se & suos Procuratores acceptare, ac collationes & investituras de jure vel consuetudine requisitas eis seu eorum Procuratoribus nomine suo per Executores, subexecutores & Notarios quoscunque in eâ parte deputandos seu requirendos fieri & subire, nec non realem & expeditam possessionem dignitatum & personatum, & officiorum ac Canonicatum, Præbendarum & beneficiorum hujusmodi capere, adipisci & nancisci liberè valeant: ac possessionem sic captam & adeptam secundum exigentiam juris Canonici publicè continuare & defendere, ac eam tenere & habere, secundum vim, formam & effectum gratiarum prædictarum ac processuum in hac parte fiendorum, quos facere & effectualiter exequi & contra attemptantes in contrarium, & impediennes eorum executionem debitam in quâcunque Curia Christianitatis eis placuerit liberè prosequi, & ibidem agere quicquid concernit gratias & causas, & materias exinde subortas, vel quæ exoriri contigerit, absque occasione vel impedimento nostri, ac hæredum nostrorum

nostrorum seu ministrorum nostrorum quorum-
 cunque, *Statuto de Provisoribus anno Regni Do-*
mini Ric. nuper regis Angliæ 2di post conquest-
um prædecessoris nostri decimo-tertio, edito, seu
 aliquo alio statuto, & ordinationibus quibuscum-
 que in contrarium editis non obstantibus. No-
 lentes quòd prædicti Doctores, Magistri ac Bac-
 calaurei, Procuratores, Executores, Subexecu-
 tores, aut Notarii & alii de consilio eorundem
 propter executionem & expeditionem gratia-
 rum huiusmodi ac processuum eorundem, ut
 præfertur, per nos vel Hæredes nostros, Justic.
 Eschaetores, Vice-Comites aut alios Ballivos seu
 Ministros nostros vel Hæredum nostrorum quos-
 cunque inquietentur, molestantur in aliquo,
 seu graventur. *Proviso* semper quòd quam ci-
 tius Cancellar. Doctores & Magistri, nec non
 Baccalaurei seu quicumque alii supradicti vigo-
 re præsentium aliquorum beneficiorum Ecclesi-
 asticorum incompatibilium canonicam & pacifi-
 cam possessionem adepti fuerint, aut quivis eo-
 rundem alicujus beneficii ecclesiastici incompati-
 bilis canonicam & pacificam possessionem a-
 deptus fuerit, beneficia incompatibilia seu bene-
 ficiis incompatibilia, per ipsos seu eorum ali-
 quem prius occupata & acceptata, sive occupa-
 tum & acceptatum omnino demittant, & quili-
 bet eorum penitus demittat : ita quòd Cancel-
 larii, Doctores & Magistri, nec non Baccalaurei
 seu quicumque alii prædicti, seu eorum aliquis *
 duo beneficia Ecclesiastica incompatibilia post
 huiusmodi possessionem vigore præsentium sic a-
 deptam, simul & semel ultra unum mensem
 nullatenus obtineant seu obtineat, nec eorum a-
 liquis aliquam provisionem aliquorum benefici-
 orum Ecclesiasticorum, nisi in unâ Ecclesiâ
 Cathedrali, aut de unâ collatione duntaxat, pro-
 pt inferuntur in rotulis Universitatum prædicta-
 rum,

* *Nota.*

rum, & per eosdem Rotulos & non particulariter, neque alio modo in Curiâ Romanâ per se vel per alios prosequatur, aut hujusmodi provisionis gratiam acceptet, seu executioni demandare præsumat, nec aliquos seu aliquem super jure, titulo seu possessione aliquorum beneficiorum seu alicujus beneficii per ipsos occupatorum sive occupati, nec alicui collatorum seu collati, nec aliquibus beneficiis seu aliquo beneficio Religiosis sive aliis vel alii appropriatorum, unitorum sive annexorum, appropriati, uniti vel annexi qualitercunque in præsentî, colore hujus licentiæ nostræ, aut provisionum vigore ejusdem licentiæ sic faciendarum aut prætextu, revocationis, annulationis, irritationis seu cassationis hujusmodi appropriationum, Unionum sive annexionum in dictâ Curiâ Romanâ nuper ut dicitur fact. vexet, impediat sive inquietet, nec aliquam provisionem seu alicujus hujusmodi provisionis executionem de aliquibus beneficiis sive beneficio hujusmodi ad præsens sic appropriatis, unitis vel annexis, appropriato, unito vel annexo per se aut alios faciat seu facere præsumat, aut hujusmodi beneficia sive beneficium acceptet quovismodo in præsentî, colore præsentium aut provisionum vigore earundem sic faciendarum vexet, impediat sive inquietet quovismodo. *In cujus, &c. Teste Rege apud Westmonasterium 25^o die Novembris.*

Per ipsum Regem.

Charta

Charta Magnæ Aulæ sive Collegii Universitatis.

OMnibus Christi fidelibus ad quos præsens scriptum pervenerit, Magister *Ludovicus de Chapyrnay*, Doctor S. Theologiæ Cancellarius Universitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem per Universitatem Deputati, salutem in Domino sempiternam. Cum ad laudem Dei & augmentum Cleri, Magister *Gulielmus Byrkley*, *Adomarus de Chewingham*, *Radulphus Senowne*, Executores bonæ memoriæ Magistri *Willielmi de Dunelme* Archidiaconi de *Dunelme*, nobis & Universitati deliberaverint quadringentas Marcas bonæ Monetæ *Anglia* ad acquirendum & emendum certos redditus, terras & tenementa, disponenda pro exhibitione sex Magistrorum in Facultate Artium magis propinquorum partibus *Dunelm.* in perpetuum, prout in Testamento dicti Magistri *Willielmi* plenius continetur: Sciatur igitur, Nos Magistrum *Ludovicum de Chapyrnay*, Doctorem S. Theologiæ & Cancellarium Universitatis *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem habentes auctoritatem totius Universitatis nobis deputatam, ad honorem Dei, stabilimentumque nostræ Universitatis, dedisse, concessisse, & in hac præsentī Chartā nostrā confirmasse Magistro *Rogero Caldwell* Custodi ac Socio seniori magnæ Aulæ Universitatis *Oxon.* & Scholaribus ejusdem octo Messuagia cum Gardinis ejusdem &c. (¶ in fine ejusdem) & nos Magister *Ludovicus de Chapyrnay* Cancellarius de *Oxon.* Doctores S. Theologiæ & Procuratores ejusdem, habentes auctoritatem

à totâ Universitate nobis deputatam & concessam, ad dand. tenementa, terrasque prædictæ Custodi seu seniori Socio Aulæ prædictæ & Sociis ejusdem & eorum Successoribus contra omnes gentes warrantizabimus, acquietabimus & defendemus in perpetuum. Pro quâ quidem Warrantizatione, acquietantiâ & defensione dedimus, solvimus & deliberavimus trecentas Marcas bonæ Monetæ Angliæ præ manibus, pro dictis octo Messuagiis, libero redditu, & quatuor Cottagiis, de pecuniis antedictis. In cujus rei Testimonium sigillum nostræ Universitatis apposuimus. Datum Oxon. 10 die Mensis Julii, Anno Regni Regis Henrici tertii post Conquestum Angliæ quarto.

A. D. 1219.

Compositio inter Cancellarium & Archidiaconum Oxon.

—QUOD dictus Cancellarius (viz. Universitatis) qui nunc est, & qui pro tempore fuerit, solus & in solidum habeat omnem & omnimodam Jurisdictionem, sine contradictione, molestatione vel impedimento quocunque dicti Domini Archidiaconi in omnes & singulos Doctores & Magistros dictæ Universitatis Regentes & non Regentes, ac etiam in Scholares omnes & singulos Religiosos vel Sæculares dictæ Universitatis, etsi in dictâ villâ fuerint oriundi, vel Rectores aut Vicarii seu Capellani stipendiarii inibi celebrantes, dum tamen non fuerint Parochiales; curæ Ecclesiarum Parochialium servientes, dum tamen Rectores & Vicarii ac Capellani Parochiales stipendiarii, & si Scholares etiam fuerint, subesse debent dicto Domino Archidiacono quoad Canonicam Obedientiam, Inductionem in corporalem possessionem beneficiorum

ficioꝝ ab eo recipiendam, vifitationemque fuam & correctionem quoad Libros & Ornamenta & alia ad jus Ecclefie pertinentia habendam, mandataque licita, in omnibus quæ ad Jurisdictionem fuam Archidiaconalem pertinent exequenda. Quodque Cancellarius habeat omnem & omnimodam Jurisdictionem in Magistrorum & Scholarium dictæ Univerſitatis ſervientes, familiares continuos, Commenſales & ſecum in ſuis Domibus commorantes, ac ſex Bedellos & Quationarios ad hujusmodi officium per dictam Univerſitatem admiſſos & pro tempore admit- tendos, ac Univerſitati juratos vel jurandos, nec non in omnes & ſingulos ſcriptoꝝ Scholaribus in ſcriptorum officio ſervientes habeat Cancellarius plenam jurisdictionem Archidiaconalem; exceptis quod ipsis ſcriptoꝝ ſive teſtato ſive ab inteſtato, habeat Archidiaconus antedictus teſtamentorum eorundem inſinuationem & approbationem, bonorum Commiſſionem, compoſitionem, auditorum liberationem ſeu quietationem & omnia quæ negotium hoc concernunt.

De cæteris perſonis omnibus quæ & aliàs de jure, conſuetudine ſeu privilegio ad jurisdictionem Cancellarii & dictæ Univerſitatis pertinent, habeat D. Archidiaconus correctionem & punitionem debitam ſuper criminibus & exceſſibus ad jurisdictionem Archidiaconalem pertinentibus, inſinuationemque & approbationem teſtamentorum ſuorum; ac omnia alia & ſingula quæ negotium hoc concernunt. Proviſo quod Apparitor D. Archidiaconi qui pro tempore fuerit ut Apparitor, ratione officii ſui non teneatur jurare nec arctari dictis Cancellario vel Univerſitati ad obediendum eiſdem de his quæ antedicti Archidiaconi ad jurisdictionem concernunt. Præſatam tamen compoſitionem non intendebant

intendebant partes prædictæ jurisdictioni cuicunque ultra præfatam Archidiaconalem alicui partium prædictarum aliundè de jure, consuetudine vel privilegio, &c.

Commissio Edwardi Sexti ad visitandum Universitatem Oxon. quibusdam Delegatis data & concessa. Mandatum illis est :

I. **O**Mnia & singula Collegia, Aulas, Hospitia, & loca alia quæcunque exercitio scholastico deputata, tam exempta quàm non exempta, ibidem constituta, eorumque Præpositos, Magistros, Gardianos, Rectores sive Custodes, ac Socios, Scholares, Studentes, Ministros & personas alias quascunque in eisdem commorantes ; deque statu locorum ejusdem Universitatis, nec non studio, vitâ, moribus, & conversatione, ac etiam qualitate personarum in eisdem degentium seu ministrantium, modis omnibus, quibus id melius & efficacius poterunt, inquirere & investigare, criminosos ac delinquentes, socordes ac ignavos, atque culpabiles, condignis pœnis usque ad dignitatum, societatum & officiorum suorum privationem, aut stipendiorum, proventuum & emolumentorum suorum quorumcunque sequestrationem, vel quamcunque aliam congruam & competentem coercionem, punire & coercere, atque ad probiores vivendi mores, modis omnibus quibus id melius & efficacius poterunt, reducere.

II. Contumaces & rebelles, cujuscunque status & conditionis fuerint, si quos invenerint, eam per censuras quàm etiam incarcerationem &

recognitionem, acceptationem, & quæcunque alia juris regni remedia, compescere.

III. Pecunias impendendas quotannis in Exequias & Convivia, in Lectiones publicas vel privatas, ad alios usus magis convenientes, & in alias formas convertere.

IV. Pecunias autem in aliquo Collegio impendendas ex fundatione ejusdem Collegii in Choristas, Cantores, & alias impensas, ratione quotidiani servitii (ut vocatur) Ecclesiastici, aut in pueros grammaticales ad alimentum sociorum vel scholasticorum ad philosophiam vel alias artes discendas in eodem vel alio Collegio constituendas, convertere. Magistros, Præpositos, Præsidentes, Socios, vel Scholares quoscunque illis officiis indignos, non proficientes, statutis Collegii, vel commodo Reipublicæ, & bonarum literarum id exigentibus, expellere & amovere, & alium & alios in amotorum loco præficere & substituere.

V. Cessiones quorumcunque, Præposituras, Magisteria, Præsidentias, Gardianatus, Societates seu officia in locis prædictis habenda, coram Visitatoribus facta seu exhibita, autoritate regia admittere, eaque vacare, & pro vacantibus discernere, & in loca sic per cessionem aut alio quovis modo vacantia, personas habiles & idoneas substituere.

VI. Collegia duo vel plura, sive regie sive cujuscunque alterius foundationis fuerint (si visitatoribus ex utilitate Academiae videbitur) in unum conjungere.

VII. Cantarias, nominaque Cantariorum in quocunque fundatarum, earumque fundationem mutare, aliasque appellationes illis imponere, & fructus, redditus ac proventus dictarum Cantariorum ad scholarium exhibitionem assignare, a dictæ Universitatis & Collegiorum & Aularum

incom

incorporationes, foundationes, statuta, ordinationes, privilegia, compositiones, computos ac alia munimenta quæcunque exigere & recipere, eaque diligenter examinare & discutere, formas divinatorum officiorum, disputationum & publicarum lectionum, collationes quoque graduum & honorum qui eruditionum ergo proponuntur studiosis, mutare, & in commodiorem rationem instituire.

VIII. Injunctiones & statuta, quæ visitatoribus pro commodiore ordine videbuntur idonea, personis in eisdem degentibus nomine regio tradere, & vice & autoritate suâ eis inducere & assignare, pœnasque convenientes in eorum violatores infligere & irrogare, statutaque, ordinationes, consuetudines, compositiones (si quas compererint eisdem contrarias sive impugnantes) tollere & penitus annihilare.

IX. Juramentum obedientiæ & fideiatis Regi & hæredibus suis debitum, deque renuendâ, renunciandâ, penitusque abnegandâ Episcopi Romani prætensâ, usurpatâ & fictâ autoritate, & quæcunque alia juramenta ex statutis hujus regni præstari requisita, ab omnibus infra loca prædicta institutis exigere & recipere.

X. Congregationes & Convocationes Præpositorum, Gardianorum, Studentium & Ministrantium pro executione præmissorum & reformatione quæcunque facere, concire & revocare, causas etiam instantiarum examinare, & sine debito terminare: ac omnia & singula alia, quæ circa hujusmodi visitationis, inquisitionis seu reformationis totius Academiæ negotia sive hic expressa fuerunt sive non expressa, quæ necessaria seu quomodolibet opportuna, facere & exequi.

Et quoniam studium *Juris Civilis* non solum jam aliquot annos deferbuisset in Academiâ nostrâ *Oxon.* verum etiam propemodum extinctum esse

esse nobis indicatum est, præcipuam vobis omnibus curam & sollicitudinem imponimus, ut quibus poteritis viis & modis illud excitetis & amplificetis, cui studio ut possitis amplius mederi, & fructu laboris ac diligentiae juventutem ad illud accendere, plenissimam ac summam auctoritatem, per absolutam & regiam nostram potestatem vobis concessimus, universum numerum in lege Civili studentem in Collegio B. Mariae, vocatae *The New College of Oxford*, in Collegium *Omnium Animarum*, & universum numerum in artibus studentium in Collegio *Omnium Animarum*, in Collegium prædictum B. Mariae, commutandum, transferendum & constituendum, prout vobis commodissimum videbitur. Sic ut in Collegio *Omnium Animarum* tantum sint, qui legis Civili studio vacabunt, & in Collegio B. Mariae prædicto illi tantum sint, qui artium & verbi Dei studio posthac semper incumbant.

Dedimus quoque vobis auctoritatem Collegium Medicinæ in aliquo idoneo loco dictæ Universitatis constituendum, deputando aliquod unum Collegium illi studio, quodcumque vobis videbitur, & eos socios in illo Collegio Medicinæ deputando, qui ad Medicinam studium suum velint convertere, si ad hoc per vos idonei judicabuntur, socios Collegii nostri Medicinæ faciendum: eos verò qui nolunt sequi illam artem, vel ad eandem minus idonei judicabuntur, in alia Collegia transferendum, vel pensiones Magistro sive focus illius Collegii assignandum, &c.

REGI-

REGINA, &c. Dilectis nobis Reverendis *Pat. 14. Eliz. de Commissionē pro Academia Oxon.*
 in Christo Patribus, *Johanni London.* &
Johanni Rossen. respectivè Episcopis, nec non ho-
 norandis Dominis *Christophoro Wray* Militi, Ba-
 roni capital. Scaccarii nostri, egregiis viris
 Domino *Willielmo Cordell* Militi, Rotulorum
 Magistro, & *Thoma Wilson* Legum Doctori à Li-
 bell. supplic. Magistro *Johanni Gibbons* Legum
 Doctori, Curiae Cancellariae nostrae Magistro, &
Johanni Griffith Legum Doctori, Salutem. Ex
 parte prænobilis viri & dilecti Consanguinei &
 Consiliar. nostri Domini *Roberti Comitis Leice-*
striae, Universitatis & Academiae *Oxon.* summi
 Cancellarii, & Doctorum, Magistrorum, Scho-
 lariumque ejusdem Academiae, nobis querelat.
 & supplicat. est, quòd cùm Academia nostra
Oxonii praedicta multis abhinc annis retroactis
 amplissimis privilegiis, exemptionibus, conces-
 sionibus, indultis & immunitatibus Regiâ autho-
 ritate & statutis Parliament. nostri regni *Angliae*
 confirmatis & corroboratis, ornata & dotata fue-
 rit: Ita quòd inquisitio, cognitio, auditio, decisio
 finalis & terminatio omnium & singulorum con-
 tractuum, placitorum personal. querel. causa-
 rum, controversiarum, quocunque nomine cen-
 seantur, sive censei poterunt (Mahemio & Fe-
 lon. & Affizis & Placitis de libero tenemento
 duntaxat exceptis) qualitercunque emergenti-
 bus infra praecinct. Universitatis praedictae, ubi
 una pars est Magister, Scholaris, aut Serviens
 Scholaris, aut alias privilegiata persona, ad Can-
 cellarium praefatae Universitatis pro tempore
 existentem, pertineat, ac pertinere debet:
 Quòlque Doctores, Magistri & Scholares om-
 nes & singuli dictae Academiae, ab omni juris-
 dictione, dominio vel potestate quorumcunque

Archiepiscoporum, etiam Legatorum natorum, nec non Episcoporum ac aliorum ordinariorum iudicum quorumcunque, quoad omnes contractus vel quasi initos infra prædictam Universitatem, & quoad omnia crimina vel quasi & punitionem eorundem (exceptis præexceptis) & quoad omnes Actus scholasticos quamdiu degerint in eadem Universitate, sint exempti & totaliter liberati, & prædicto Cancellario subiecti. Et quod Cancellarius prædictæ Universitatis omnem & omnimodam jurisdictionem, etiam Ecclesiasticam & spirituales, in prædictos Scholares & alias personas, exercere liberè & licitè possit & valeat. Et quod nulli homini liceat huiusmodi pagin. & privileg. exemptionis, liberationis & subjectionis ullatenus infringere vel contravenire. Cùmque Cancellar. pro tempore existens, & Scholares dictæ Universitatis, per tempus cuius initii vel contrarii hominis memoria non existit, fuerint & sint (salvis infradicend.) & sic esse debent in pacificâ & quietâ possessione, quasi huiusmodi privilegiorum, exemptionis, immunitatis, liberationis & subjectionis, ut præfertur; cùm etiam omnes & singuli Graduati, qui sunt de gremio Universitatis prædictæ, tempore eorum & cujusbet eorum admissionis ad gradum quemcunque, tactis sacrosanctis Evangeliiis, solenne & corporale præstant* juramentum & dant fidem ad observand. statuta, privilegia, consuetudines & libertates prædictæ Universitatis, & quod adversant. cuicunque statuto, consuetudinibus, aut aliis prædictæ Universitatis iuribus, libertatibus & privilegiis non fovebunt consilio, auxilio, nec favore; sed quantum in illis est, eadem inconcussè observabunt pariter & fovebunt. *Quidam tamen Willielmus Wilson in Theologia Baccalaureus & Scholaris in dictâ Universitate degens, & de gremio ejusdem existens, qui prædictum*

* *Nota.*

dictum juramentum vel in effectu consimile sub-
iit, & præmissorum omnium & singulorum satis
sciens, asserens, & minus verè prætendens
se fuisse & esse legitimè electum ad officium
Rectoris five Præpositur. *Collegii Lincoln.* in dictâ
Academia, ac etiam sub sigillo communi Colle-
gii prædicti, juxta tenorem statutorum ejusdem
Coll. præsentatus Reverendo in Christo Patri
Dominio *Thoma Lincoln.* Episcopo (quum tamen
sic minimè legitimè electus aut præsentatus fue-
rit) ac dictum Reverendum Patrem eundem *Wil-*
lielmum Wilson in officium Rectoris admittere
penitus recusasse, seu saltem æquo diutius distu-
lisse: contra privilegium exemptionis, libera-
tionis & subjectionis prædictæ Universitatis, &
in manifestum præjudicium & violationem eo-
rundem, ac contra juramentum suum prædictum,
apud dilectum subditum nostrum *Barthol. Clerk*
Legum Doctorem, Curie *Cantuar.* de *Arcubus* Of-
ficialem de præmissis ad jurisdictionem Universi-
tatis prædictæ spectantibus & pertinentibus, de
facto in judicio contra præfatum Reverendum
Patrem conquestus & querelatus fuit, atque au-
thoritate dicti Officialis *Cant.* præfatum Reve-
rendum Patrem *Lincoln.* Episcopum ad admit-
tendum eundem *Willielmum* in Rectorem præ-
dictæ beatæ *Mariæ*, ac *Omnium Sanctorum Lincoln.*
in Universitate *Oxon.* seu sic admitti faciendum,
justitiamque eidem in eâ parte administrandum,
infra quoddam tempus in eâ parte assignatum &
limitatum, moneri mandavit & curavit; ipsum-
que Reverendum Patrem ad comparandum co-
ram eodem *Officiali Cant.* ad dicendum causam,
quare jus admittendi prænominatum *Wilson*
in Rectorem Collegii prædicti non debeat pro-
nunciari ad dictum *Officialem* & Curiam præ-
dictam, ob justitiam per eundem Reverendum
Patrem in eâ parte denegatam devolvi, citari

fecit & obtinuit : Ac etiam tam dicto Reverendo Patri, quàm etiam Venerabilibus viris Magistris *Herbarto Westfalling*, *Laur. Humphrey* & *Tho. Buckley*, sacrae Theologiae Professoribus, Magistris *Walt. Baylie* & *Olivero Whittington* in Medicinâ Doctoribus, nec non *Willielmo Smyth* Legum Doctori, prædicti Reverendi Patris, Patrini & Visitatoris Commissariis, ritè & legitime infra dictam Universitatem, sub pœnâ contemptûs, ne quicquam in præjudicium prædicti *Willielmi Wilson*, aut suæ querel. prædictæ, attemptent, aut eorum aliquis attemptaret : nec non postea Reverendissimus Pater Dominus *Edmundus*, permissione divinâ *Cantuariensis* Archiepiscopus, ad instantem petitionem & procurationem ejusdem *Willielmi Wilson*, causam hanc sive querelam ad se advocavit, atque cognitionem, discussionem, & finalem determinationem ejusdem *Davidi Lewes*, *Hen. Jones*, *Laur. Hulse*, & *Nic. Steward*, Legum Doctoribus & Curia *Cantuaria* Advocatis, conjunctim, seu eorum duobus quibuscunque, de facto commisit & delegavit, iidemque Commissarii sive Delegati vigore Commissionis sive Delegationis hujusmodi in dicto negotio processerint, coram quibus lis pendet adhuc indecisè. Et licèt pars dicti Reverendi Patris coram dictis Commissariis nonnulla pro defensione suâ, tam contra prætensam Electionem & personam dicti *Will. Wilson*, & ejus inhabilitatem, quàm contra indebitam formam & modum præsentationis dicti *Wilson*, sibi sub sigillo Collegii ad causas factas allegavit, allegataque hujusmodi admitti, ac jus & justitiam sibi & parti suæ ministrari, terminumque probatorium ad probatos hujusmodi allegat. sibi assignari petierit ; dicti tamen Commissar. terminum probatorium hujusmodi assignare expressè, seu saltem tacitè recusare, seu plus justò distulere,

distulere, partique dicti Reverendi Patris ad
 roband. hujusmodi allegatum, per responsio-
 nem partis principalis & exhibitionem instru-
 mentorum tant. assignare. Et licet quidam
Tho. Underhill, A. M. Procurator dictæ Univer-
 sitatis *Oxon.* & nomine Procuratoris ejusdem
 Universitatis, sub protestationibus de non con-
 sentiendo in dictos Commissarios, tanquam in-
 iudices competentes, neque quovismodo eorum
 jurisdictionem comperuerit, ac animo declinan-
 di forum dictor. Commissarior. privilegia,
 exemptiones, libertates & immunitates dictæ
 Universitatis omnia & singula prædicta in debitâ
 iuris formâ proposuerit & allegaverit, & ideo
 supersedend. fore in prædictâ causâ, ac recogni-
 tionem & determinationem ejusdem causæ ad
 examen dicti Cancellarii *Oxon.* remitti petierit.
 Dicti tamen Commissar. non solum supersedend.
 fore decrevere, ac causam remittere expresse,
 seu saltem tacite renuerunt & recusarunt, seu
 saltem plus justo distulerunt, seu ad nonnullos
 alios actus judiciales & privilegiis prædictis præ-
 iudiciales processerunt, in præjudicium non mo-
 dicum & violationem privilegiorum & exemp-
 tionis dictæ Universitatis, & Cancellarii & Scho-
 larium ejusdem, & in contemptum & præjudi-
 cium autoritatis nostræ regię in dictâ Acade-
 miâ, &c. Unde pars dicti prænobilis *Comitis*,
Cancellarii, *Doctorum*, *Magistorum* & *Schola-*
rum Universitatis prædictæ nobis humiliter sup-
 plicari fecit; quatenus tam recognitiones que-
 relæ prædictæ quàm quarumcunque aliarum cau-
 sarum, privileg. & exemptiones prædict. quali-
 tuncunque concernent. seu tangent. aliquibus
 probis & prudentibus viris examinandas & sine
 debito terminandas committere dignaremur.
 Nos verò eorum in hac parte humilibus suppli-
 cationibus favorabiliter inclinati, ac jus & justitiam,

tiam, ejusque ministracionem & complementum nemini denegare volentes, quinimò debitè ministrari maximoperè affectantes; nolentesque privilegia, immunitates & executiones Universitatis nostræ prædictæ in aliquo violari, aut quâvis autoritate, seu quovis quæsito colore minui aut infringi, sed quantum in nobis est eadem tueri & defendere: *Vobis de quorum præbitate, prudentiâ, scientiâ, & in rebus gerendis dexteritate speciali fiduciam obtinemus, ex scientiâ & mero motu nostris, & ex plenitudine potestatis nostræ, per hæc scripta nostra committimus, & mandamus vos, quod omnes, octo, septem, sex, quatuor, tres aut duos vestrum, vocatis dictis Reverendo Patre Lincoln. Episcopo & Will. Wilson in specie, & aliis quibuscunque de jure vocandis in genere, summarie & de plano, ac sine strepitu & figurâ iudicii, solâ rei & facti veritate inspectâ ac merâ æquitate attentâ, omnibus viis, modis & formis quibus melius & efficacius possitis, de & super veritate præmissorum & privilegiorum & exemptionum dictæ Universitatis, ac in causâ & causis prædictis, unâ cum suis incidentiis, emergent. dependent. annexis & connex. quibuscunque procedatis, & sine debito, omni appellatione, & querelis, nullitat. & supplicatione remotis, terminetis: statutis, canonibus & consuetudin. in contrarium editis, litisve penden. in aliquo non obstantibus; facientes quòd ea quæ in præmissis decreveritis, per legitima juris remedia firmiter observari. In cujus rei, &c. Teste Regina apud Westm. 23. die April. anno regni decimo nono.*

Breve

Breve de Habeas Corpus cum Causa.

Jacobus Dei gratiâ Anglia, Scotia, Francie & Hibernia Rex, Fidei Defensor, &c. Omnibus ad quos hæc literæ nostræ pervenerint, Salutem. Inspeximus quoddam Recordum coram nobis habitum in hæc verba. Placita coram Domino Rege apud *Westmonasterium* Termino *S. Michaelis* anno Regni *D. Jacobi* nunc Regis *Anglia* septimo — Rotulo 83^o. ff. Dominus Rex mandavit Vice-comitem *Oxon.* Breve suum iussu in hæc verba. ff. *Jacobus* Dei gratiâ Rex *Anglia, Scotia & Hibernia*, Fidei Defensor, &c. Vicecomiti *Oxon.* Salutem. Præcipimus tibi quod corpus *Richardi Paynter* in prisonâ nostrâ sub custodiâ tuâ, ut dicitur, detentum sub salvo & securo conductu una cum die & causâ captionis & detentionis suæ quocunque nomine veniat in eadem coram nobis apud *Westmonasterium* die Jovis proxime post crastinum *S. Martini* ad faciendum & recipiendum ea omnia & singula quæ curia nostra coram nobis de eo ad tunc & ibidem considerabit in hac parte, & habeas ibidem tunc hoc Breve: Teste *T. Flemming* apud *Westmonasterium*, nono die Novembris, anno Regni nostri *Anglia, Francie, & Hibernia*, septimo, & *Scotia* xliii.

Rooper.

Virtute cujus quidem Brevis *Henricus Samborne* Armiger, Vice-comes Com. prædicti eidem *D. Regi* apud *Westmonasterium*, ad diem prædictum certificavit in hac quæ sequitur formâ.

ff. **E**GO *Henricus Samborne* Armiger, Vice-comes Comitatus *Oxonienfis*, Domino Regi certifico, quod *Universitas Oxon.* est antiqua

qua Universitas, & à tempore cujus contrarii memoria hominum non existit usitato & approbato, fuit corpus politicum & corporatum, consistens ex Cancellario, Magistris & Scholaribus ejusdem Universitatis. Quodque iidem Cancellarius, Magistri & Scholares nunc habent, & à tempore cujus contrarii memoria hominum non existit usitato & approbato, habuerant & habere consueverunt & debuerunt, custodiam & gubernationem tam dictæ Universitatis quam Villæ & Civitatis *Oxon.* nec non conservationem pacis, & curam vigiliarum, earumque præsecuram tempore nocturno tam infra Universitatem *Oxon.* prædictam, quam infra Villam & Civitatem *Oxon.* prædictam, & suburbia ejusdem. Et quòd Cancellarius dictæ Universitatis pro tempore existens toto tempore prædicto, per se aut per Commissarium suum legitimè deputatum, usus fuit & consuevit Curiam tenere infra Universitatem prædictam ad libitum suum pro punitione & coercione omnium Malefactorum, Pacis Perturbatorum, Noctivantium & Transgressorum, contra Statuta, libertates, consuetudines, & privilegia ejusdem Universitatis, tam per incarcerationem quàm per poenam pecuniariam. Et quòd iidem Cancellarius, Magistri & Scholares toto tempore prædicto, usi fuerunt & consueverunt condere & constituere leges, statuta & ordinationes, pro bonâ gubernatione & regimine tam tempore Nocturno quàm diurno, tam Scholarium Universitatis prædictæ quàm Inhabitantium Villæ & Civitatis *Oxon.* & Suburbiorum ejusdem. Et Domino Regi certifico, quòd *Ricardus Paynter* in Brevi prædicto infra-nominatus 13^o die Octobris, anno Domini 1609. coram *Johanne King* S. Theol. Doctore & Commissario Reverendiss. in Christo Patris *Ricardi*, providentiâ divinâ Archiepiscopi *Can-*
tuariensis,

Warrensis, & alme Academiæ *Oxon.* Universitatis
 prædictæ ritè deputato in curiâ ejusdem Cancellarii
 tentâ in Ecclesiâ Beatæ Mariæ Virginis *Oxon.*
 infra Universitatem *Oxon.* prædictam eodem
 3^o die Octobris prædict. anno Dom. 1609.
 prædicto, legitimo modo conventus fuit pro eo
 quod in communibus plateis Civitatis *Oxon.* i-
 dem *Ricardus* inventus fuit Noctivagus inter
 horas nonam postmeridianam & quartam ma-
 tutinam sine causâ rationabili contra formam &
 effectum cujusdam Statuti per præfatum Cancellarium,
 Magistros & Scholares contra Noctivagantes
 legitimè editi, & per diversa Domini
 Regis & Progenitorum suorum Regum & Regi-
 arum *Angliæ* Chartas & Statuta hujus Regni
Angliæ concessa, stabilita & approbata, per
 quod quidem Statutum provisum & sancitum
 est, quod quicumque convictus fuerit coram Can-
 cellario & ejus Commissario Universitatis præ-
 dictæ pro tempore existente pro nocturnâ vaga-
 tione (ut præfertur) sine causâ rationabili, fo-
 disaceret pro quâlibet offensâ de quâ bis convic-
 tus fuerit 40 Solidos ad usum prædictorum Can-
 cellarii, Magistrorum & Scholarium Universi-
 tatis prædictæ pro tempore existent. Et si post
 hujusmodi Convictionem prædictam multam
 pecuniariam infra 8 dies tunc proximè sequen-
 tes non persolverit ad usum prædictum, tunc in-
 carceretur per judicium ejusdem curiæ, quous-
 que multam pecuniariam prædictam ad usum
 prædictum persolverit. Et quia præfato Com-
 missario in Curia prædictâ ad tunc & ibidem
 manifestè apparebat tam ex propriâ concessione
 ipsius *Ricardi Paynter* per decem separatas noc-
 tes inter primum diem Octobris anno regni di-
 sti *D. Jacobi* nunc regis septimo, noctivagatum
 fuisse sine causâ rationabili contra formam Sta-
 tuti prædicti, ideo idem *Ricardus* in eadem curiâ
 super-

super inde ritè & legitimè convictus fuit, & per eandem curiam tunc & ibidem condemnatus fuit ad solvendum ad usum prædictum 40 Solidi pro quâlibet vice noctivagationis suæ prædictæ. Et quia prædictus *Ricardus Paynter* infra 8 dies post Convictionem suam prædictam multam prædictam ad usum prædict. non solvit, idem per iudicium ejusdem curiæ tentæ coram prædicto Commissario 25^o Oct. anno septimo supra dicto in Ecclesiâ B. *Mariæ Virginis* prædictæ commissus fuit ibidem remansurus quousque multam prædictam ad usum prædictum persolverit. Et hæc est causa captionis & detentionis prædicti *Ricardi Paynter* in Prisonâ prædictâ. Cujus corpus coram Domino Rege juxta exigentiam Brevis prædicti paratum habeo, prout interius mihi præcipitur.

Henricus Samborne Armiger, Viccomes.

Citatio Delegatorum Parliamentorum ad visitandam Academiam.

NOS quorum nomina literis præsentibus subscripta sunt, Procuratoribus modernis *Academiæ Oxoniensis*, nec non universis & singulis Collegiorum & Aularum ibidem Præfectoribus, Præpositis, Custodibus, Magistris, aliisque quocunque nomine notis Rectoribus ac Rectorum Vice pro tempore gerentibus, Salutem. Cùm nos (inter alios) autoritate quâ fungitur *Parliamentaria* vigore scilicet cujusdam specialis Ordinationis supremæ Curiæ *Parliamenti* jam sedentis nuper editæ gerentis datum primo die Maii, anno Domini 1647. potestatem sufficientem nobis in hæc

parte

parte concedentis, eandem Academiam, omnique & singula ibidem Collegia & Aulas, eorundemque Academiae, Collegiorum & Aularum respectivè Magistros, Scholares, Socios, Membra, Officiarios & Ministros quoscunque, ob morum correctionem, ejusdemque Academiae debitam Reformationem (vitia extirpando & virtutes plantando) prope diem (annuente Deo) visitare statuerimus: Vos igitur & quemlibet vestrum respectivè, omnesque & singulos Scholares, Socios, Membra, Officiarios & Ministros Academiae prædictæ Collegiorumque & Aularum ibidem respectivè, tenore præsentium peremptoriè citamus & monemus quod compareatis, & vestrum & eorum quilibet respectivè compareat coram nobis aut aliis Collegis sive Condelegatis nostris in publico ejusdem Academiae Convocationis domo, die Veneris, viz. quarto die mensis Junii jam proxime futuri, inter Horas nonam & undecimam antemeridianas ejusdem diei, cum continuatione & prorogatione dierum & tunc sequentium & loci (si & quatenus oporteat) in eâ parte fiendis, visitationem nostram hujusmodi autoritate, quâ supra, tunc & ibidem (divinâ auxiliante gratiâ) actualiter exercendam in omnibus subituri, ulteriusque facturi & recepturi, quod natura & qualitas ejusdem negotii de se exigant & requirant, & secundum quod nobis & cæteris Collegis sive Condelegatis nostris dabitur in mandatis. Vobis Procuratoribus antedictis, tenore præsentium firmiter injungentes, quatenus omnium & singulorum Bedellorum, Registrariorum & cæterorum Academiae memoratæ Ministrorum quorumcunque conditioni vestræ subditorum, nomina & cognomina in quâdam Schedulâ exinde conscriptâ & manibus subsignatâ vestris, nobis aut aliis Collegis sive Condelegatis nostris, dictis die, horis & loco, debitè significetis.

nificetis. Volentes insuper & cuilibet Collegii
atque Aulae intra Academiam antedictam Praepo-
sito, Rectori, Magistro aut Vice-magistro, quo-
cunque nomine noto, mandantes, quatenus ipse
confinilem schedulam nominum & cognomi-
num omnium & singulorum Scholarium, Socio-
rum, Membrorum, Officiariorum & Ministro-
rum, proprii cui praesidet Collegii sive Aulae
tunc & ibidem nobis, (ut praefertur) aut aliis
Collegiis sive Condelegatis nostris praesentet.
Et hoc sub periculo incumbenti nullatenus o-
mittatis. Datum 15 die Maii, anno Domini
1647.

<i>Christopher Rogers,</i>	<i>Na. Brent,</i>
<i>E. Corbet,</i>	<i>Gul. Prynn,</i>
<i>Henr. Wilkinson,</i>	<i>J. Packer,</i>
<i>Franc. Cheynell,</i>	<i>Will. Tippinge,</i>
	<i>Joh. Heylyn,</i>
	<i>Gab. Becke.</i>

*Breviarium Chartae Hen. 8vi Anno
Regni 14^o.*

I. **H**enricus Octavus ad procuracionem *Thoma
Wolfsey, Eboracensis* Archiepiscopi concessit,
&c. quantum in nobis est Cancellario &
Scholaribus Universitatis *Oxon.*

Item, Quod Cancellarius, Commissarius &
Deputatus Commissarii, erunt Conservator &
Justiciarius Pacis infra Villam, Suburbia, &
quatuor Hundreda prox.

Item, Quod sint Justiciarii Pacis per privile-
gium infra Comitatus *Oxon. & Berks.*

Item, Quod habeant Potestatem qualem ali-
qui Justiciarii infra Regnum *Angliae* habeant,
exceptis Mahemio & Feloniâ.

Item,

Item, Quòd possint facere & constituere Justiciarios pacis pro Rege.

Item, Quòd faciant Justiciarios ad omnimodas proditiones, Murdra, Felonias, Mahennia, & alia Malefacta, &c.

Item, Ad audiendum & determinandum, &c.

Item, Quòd nec Major Villæ, nec aliquis Justiciarius Angliæ versus aliquam privilegiatam personam inquirat aut intromittat, &c.

Item, Quòd supersedeas versus Majorem & alium quemcunque Justiciarium & Commissarium, &c.

Item, Quòd habeant Goalam suam ad puniendum & deliberandum, &c.

Item, Quòd unus Justiciarius Universitatis semper sit ad deliberandam aliquam Goalam infra Villam aut Suburbia Oxon.

Item, Quòd Vicecomes Oxon. & Berks. ad Justiciarium Universitatis faciat Retornat' & exequatur & attendat pro Executione Præcepti, Warranti, &c. sub forisfacturâ 200 l.

Item, Quòd habeant omnes Fines, Amerciamenta & Forisfacturas quæcunque, &c. scilicet per Brevia, Præmunire, &c. de Statutis in posterum edendis tangent' Scholares & personas privilegiatas.

Item, Quòd habeant Strepum, Vastum, Deodandum, & Thesaurum inventum, Felonum, Utlagatorum, Fugitivorum, damnatorum & damnandorum Felonum per se & Felonum in exequend' & infra Villam Oxon. & suburbia ejusdem cujuslibet & quorumque Ligeorum five subditorum nostrorum.

Item, Manuopera.

Item, Quòd tot quot possunt pertinere regi.

Item, Quòd possint habere, levare & colligere Fines, Amerciamenta, Redemptiones, forisfacturas, &c.

Item, Quòd Cancellarius, Scholares, Servi-
entes, &c. & cujuslibet eorum Servientes seu
Serviens, Minister, Firmar', Tenentes sui sint
exonerati & quieti de quibuscunque Prisis,
Chiminagiis, Captionibus, Carriagiis Equorum,
Carreftarum, Plaustorum & aliorum Carriagi-
orum, nec non Frumenti, Hordei, Fœni, Fi-
liginis, Avenarum, Fabarum, Pisarum, Boum,
Boviculorum, Vaccarum, Juvencorum, Ovium,
Porcorum, Porcellorum, Caprarum, Hædorum,
Agnorum, Vitulorum, Anatum, Cauponum,
Pullorum, Columbarum, Dentricum, Anguil-
larum, & aliorum Piscium recentium quorum-
cunque, ab Volatilibus, Cuniculis, &c.

Item, Quòd nullus emptorum, prisorum vel
captorum Victualium pro Hospitio Regis vel a-
lius Minister, infra viginti milliarium Univer-
sitatis ingrediatur ad capiendum sine Licentia
Cancellarii, &c.

Item, Pro Renovatione Indictamentorum ali-
quorum coram alio Justiciario per Indenturam
certificatoriam Cancellarii, &c. tangent' privi-
legia, &c.

Item, Quòd Processus & Executio super tali-
bus Indictamentis deliberat' supersedeas sub pœ-
nâ 40 l.

Item, Quòd prædicta Indictamenta audiri &
terminari coram Cancellario, &c.

Item, Quòd aliquod Indictamentum reman-
nen' per Breve de Certiorari in aliquâ Curiâ sup-
significatione Cancellarii deliberetur superse-
deat sub pœnâ 40 l.

Item, Quòd tales exitus, proficua, Fines, A-
merciamenta, & Forisfacturæ quæcumque, sint
ad opus & usus Universitatis inperpetuum.

Item, Quòd arrestat' sive imprisonat' immedia-
tè post calumpniam debet, & coram Universita-
tis Cancellario determinari.

Item,

Item, Quòd non licet Majori five alicui Justiciario vel Commissario Regis post calumpniam Cancellarii, five per Justiciarios suos, facere Processus, super aliquo indictamento, sub pœnâ 40 l.

Item, Quòd habeant omnes libertates & privilegia Universitatis nunc & pro antea concessis.

Item, Quòd Cancellarius faciat mandatum si-
ve præceptum ministro Universitatis pro Sum-
mou. visus franci Pilegii.

Item, Quòd possint facere *Common Pinfolde* five parcum pro districtionibus, & habere omnia advantagia & feoda eidem parco pertinen.

Item, Si aliquis privilegiatus sit arrestatus si-
ve imprisonatus existens infra Regnum Angliæ,
immediate post notitiam Cancellarii deliberabit.

Item, Quod deliberentur sine feodo sub pœnâ
10 l.

Item, Quòd privilegiati possint merchandi-
zare & exercere manualia artificia infra villam
Oxon. & suburbia sicut *Burghenses*.

Item, Quòd privilegiati sint liberi & exone-
rati ab omni contributione sine licentiâ pro li-
bertate & franc. *Burghi Majorum*.

Item, Quòd Cancellarius & Congregatio pos-
sint facere corporationes, statuta, & ordinationes,
cum pœnis ad obligand. contra statuta aliqua.

Item, Quòd possint recipere bona five catalla
sua furata, licet seſtat fuerunt per Vicecom. vel
alium ministrum.

Item, Quòd Cancellar. &c. non trahantur ex-
tra Universitatem pro falso Judicio, vel pro eo-
dem vexentur vel perturbentur.

Item, Hac conditione ad obediendum sum-
moniaë procuratorum secundum statuta & ordi-
nat. sub pœnâ 20 l. forisfact. Universitati, &c.

Item, Quòd Cancellarius & Major conjunctim
& non divisim, authoritatem habeant ad assidend.

pro xva & xa. & pro alloc. & deduct.

Item, Quòd Cancell. five ejus Commissarius five Deputatus, & non Major, nec alii Commissarii aliquos privilegiat' taxent.

Item, Quòd Cancell. per ministros suos pecuniam sic assessam colligat & collectet, ad hoc deputat' per Indenturam deliberat'

Item, Pro aliqua alia taxatione Cancell. affociet sibi Præsidentem & Custodem Coll. *Maria Magdalena Winton.* &c. aliarum vel duobus eorundem & taxent omnes privilegiat' & detur per Indenturam.

Item, Per dona pro omnibus maleficiis aut dat carta prædicta Universitat. & privileg.

Item, Si istæ literæ minus validæ & insufficientes sint, quod tunc Cancellar. *Anglia* eas meliores pro commodis suis faciat, absque aliqua prosecutione inde Regis, hæredum, aut successorum suorum.

Item, Quòd hæ literæ & omnes aliæ chartæ Universitat. confectæ per generalia verba, sint ejusdem vigoris & virtutis sicut essent plus specialiter & particulariter specificatæ.

Item, Quòd hæ literæ legantur & indicantur pro ipsis prout melius intelligi poterint.

Item, Quòd omnes hæ libertates &c. & omnia alia eis pro antea concessis habeant & gaudeant in perpetuum.

Item, Quòd habeant & gaudeant plenam cognitionem de omnibus causis, materiis, querelis & placitis quibuscunque, placito de libero tenemento tantummodo excepto, si una pars sit privilegiat' licet tangat Regem vel Hæredes suos.

Item, Quòd habeant & percipiant omnia a merciamenta, exitus, forisfacturas, & proficua inde pervenien. ad commodum & utilitatem Universitatis.

Item,

Item, Quòd nullus Justiciarius, Judex, vel Officiarius Regis, vel hæredum suorum de querelis privilegiatos tangentib. infra Regnum Anglia se in aliquo intromittant.

Item, Et si intromittere præsumpserint, super certificatorio Cancellarii supersedeant.

Item, Et post tale certificatorium Cancell. Universitatis prædictæ, ad respondendum non ponant.

Item, Quòd hæ literæ deliberentur absque aliquo feodo in hanaperio Canc. Regis solvend.

Dat. T. Rege apud Westm. 1^o Aprilis Anno Regni Henrici prædicti 14^o.

The Proviso in the last Charter of the Town granted 28 mensis Julii, anno Regni Regis Jacobi 3^o. Scotiæ 38^o.

Volumus insuper, & per præsentés pro nobis Hæred. & Succesfor. nostris, providimus & firmiter injungendo præcipimus & mandamus, quòd prædictæ concessiones nostræ aut earum aliqua vel aliquid in his præsentibus contentum aut specificatum, non aliquo modo extendantur aut aliquo modo confirmantur aut adjudicentur extendere aut fore in aliquod dampnum aut præjudicium Cancellarii, Magistrorum & Scholarium Universitatis Oxon. aut in dampnum, præjudicium aut enervationem aliquarum libertatum, franchesiarum, immunitatum, privilegiorum aut aliquorum Hæred. eorundem Cancell. Magistrorum & Scholarium ejusdem Universitatis Oxon. aut aliquorum Collegiorum, Aularum, Hospitiorum

tiorum quorumcunque in quibus liberales artes & scientiæ professæ sint aut doceantur. Sed quòd omnes & singulæ libertates, franchise, immunitates, privilegia & hæreditamenta tam prædict. Cancell. Magistrorum & Scholar. prædict. Universitatis *Oxon.* quam & singulorum omnium prædictorum Collegiorum, Aularum, seu Hospitiorum quorumcunque valida, firma, illæsa, & in suo pleno robore perpetuis futuris temporibus remaneant, his præsentibus aut aliquo in iisdem content. & specificat. non obstante: Volumus etiam, &c. absque fine in hanaperio, &c. eo quòd expressa mentio.

*The Proviso in the Charter of the
Town granted 27^o Januarii, anno
Regni Reginae Elizabethæ.*

Concedimus hæc & illa, &c. Ita tamen quòd Cancellario, Magistris & Scholaribus Universitatis *Oxon.* super libertatibus & privilegiis iis per nos & progenitores nostros concessis præjudicium aliquod prætextu concessionis nostræ prædictæ nullatenus generetur. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quod prædict. Burghenses hæred. & successores sui prædict. habeant omnes libertates & quietancias prædictas sic per nos specificatas & concessas inperpetuum. Ita quòd Cancellario, Magistris & Scholaribus Universitatis *Oxon.* super libertatibus & privilegiis iis per nos & progenitores nostros concessis præjudicium aliquod prætextu concessionis nostræ prædictæ nullatenus generetur, sicut prædictum est.

*Carta amplissima confirmans omnia
Privilegia Antiqua.*

Universitas Oxon.

Anno 1^o H. 5.

HENRICUS Dei gratiâ rex *Anglia, & Francia, & Dominus Hibernie*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis, & fidelibus suis, salutem. Inspeximus Cartam Dom. Henrici nuper Regis *Anglia* patris nostri factam in hæc verba. HENRICUS Dei gratiâ Rex *Anglia, & Francia, & Dominus Hibernie*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Militibus, Justiciariis, Vicecomitibus, Præpositis, Ballivis, Ministris & aliis fidelibus suis, salutem. Inspeximus cartam Confirmationis quam Dominus Ricardus nuper Rex *Anglia* secundus post conquestum fieri fecit in hæc verba. RICARDUS Dei gratiâ Rex *Anglia & Francia, & Dominus Hibernie*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Militibus, Justiciariis, Vicecomitibus, Præpositis, Ballivis, Ministris, & aliis fidelibus suis, salutem. Inspeximus chartam confirmationis quam Dominus *Edwardus*, nuper Rex *Anglia*, Avunculus noster, fieri fecit in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia & Francia, & Dominus Hibernie*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis, & fidelibus suis, salutem. Inspeximus cartam confirmationis quam nuper fi-

*Faustina : C.
7. fol. 181.
Cotton Libra-
ry.*

eri fecimus in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Iusticiariis, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis, & fidelibus suis, salutem. Inspeximus literas patentes confirmationis domini *Edwardi* nuper Regis *Anglia* patris nostri, in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania*, omnibus ad quos præsentis literæ pervenerint, salutem. Inspeximus literas patentes quas Dominus *Henricus* quondam Rex *Anglia*, avunculus noster fecit Cancellario & Universitati *Oxon.* in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*, *Aquitania*, & Comes *Andeg.* omnibus ad quos præsentis literæ pervenerint, salutem. Noveritis nos pro quiete Universitatis Studentium *Oxon.* de speciali gratiâ nostrâ concessisse Cancellario, & Universitati prædictæ quòd quamdiu nobis placuit in causis Clericorum ex mutuis datis aut receptis, aut taxationibus seu locationibus domorum, aut equis conductis, venditis, seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus in municipio aut suburbio *Oxon.* factis nostra prohibitio non currat, sed hujusmodi causæ coram Cancellario Universitatis *Oxon.* (nonobstante prohibitione nostra) decendantur. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud *Radinge*, 10^o die Maii, anno regni nostri xxviii. Inspeximus etiam quasdam alias literas patentes quas idem Avunculus noster fecit prædictæ Universitati in hæc verba. HENRICUS Dei gratiâ Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*, *Aquitania*, & Comes *Andegav.* omnibus ad

ad quos præsentēs literæ pervenerint, salutem.
 Sciatis quòd ad tranquillitatem & utilitatem tam
 Magistrorum & Scholarium Universitatis *Oxon.*
 quam Burgensium & aliorum in eadem Villâ do-
 mos habentium, concessimus eidem Universita-
 ti quòd de cætero omnes domus ejusdem muni-
 cipii *Oxon.* à Scholaribus inhabitatæ & inhabi-
 tandæ de quinquennio in quinquennium retaxen-
 tur secundum arbitrium taxatorum Clericorum
 Laicorum ex utraque parte juratorum, & vo-
 luvimus quòd ista retaxatio incipiat à tempore
 confectiois præsentium literarum. In cujus rei
 testimonium has literas nostras eidem Universi-
 tati fieri fecimus patentes. Teste meipso apud
Wodestoke 10^o die Februarii, anno regni nostri
 9^o. Inspeximus etiam quasdam alias literas
 quas idem Avunculus noster fecit dictæ Univer-
 sitati in hæc verba. HENRICUS Dei gratiâ Rex
Anglia, Dominus *Hibernia*, & Dux *Aquitania*,
 omnibus ad quos præsentēs literæ pervenerint,
 salutem. Inspeximus literas quas Universitati
 Scholarium *Oxon.* fieri fecimus, anno regni
 nostri trecesimo nono sub sigillo nostro quo tunc
 utebamur, in hæc verba. HENRICUS Dei gratiâ
 Rex *Anglia*, Dominus *Hibernia*, Dux *Normania*,
Aquitania, & Comes *Andegav.* omnibus ad quos
 præsentēs literæ pervenerint, salutem. Sciatis
 quòd ad pacem & tranquillitatem, nec non ad
 utilitatem Universitatis Scholarium *Oxon.* provi-
 dimus & concessimus quòd quatuor Aldermanni
 sint in *Oxon.* & octo de discretioribus & legalio-
 ribus Burgensibus ejusdem Villæ associantur ipsis
 Aldermannis, qui omnes jurent nobis fidelitatem
 sint Assistentes & Consulentes Majori & Balli-
 vis nostris *Oxon.* ad pacem nostram conservan-
 dam ad Assisas dictæ Villæ custodiend. & ad in-
 stigand' malefactores & perturbatores pacis
 nostræ,

noſtræ, & vagabundos de nocte & receptores
 latronum & malefactorum, & corporale præſtem
 ſacramentum quòd omnia prædicta fideliter ob
 ſervabunt. In qualibet autem parochiâ Villæ
Oxon. ſint duo homines electi de legalioribus pa
 rochianis, & jurati quòd in qualibet quindena in
 quirent diligenter, ne quis ſuſpectus hoſpitem
 in parochiâ, & ſi aliquis receptaverit aliquem
 per tres noctes in domo ſuâ, reſpondeat pro eo.
 Nullus etiam Reſtratarius emat victualia, in Villæ
Oxon. vel extra, verſus villam venientia, nec alia
 quid emat nec iterum vendat ante horam no
 nam, & ſi fecerit, amercietur & rem emptam re
 mittat. Si Laicus inferat Clerico gravem ve
 enormem læſionem, ſtatim capiatur, & ſi magis
 fit læſio, incarceretur in caſtro *Oxon.* & ibi detine
 neatur quouſque Clerico ſatisſiat, & hoc arbitrio
 Cancellar. & Univerſitatis *Oxon.* ſi Clericus pro
 tervus fuerit, ſi minor vel levis fit injuria incar
 ceretur in villa. Si Clericus inferat gravem ve
 enormem læſionem, laico, incarceretur in prædicto
 caſtro quouſque Cancellarius prædictæ Uni
 verſitatis ipſum poſtulaverit; ſi minor vel levis
 fit injuria, incarceretur in carcere Villæ quouſque
 liberetur per Cancellar. Piſtores & Braciatores
Oxon. in primo tranſgreſſu ſuo non puniantur
 ſed in ſecundo amittant panem, & in tertio
 tranſgreſſu habeant judicium de Pillorio; quilibet
 Piſtor habeat ſigillum ſuum, & ſignet panem
 ſuum per quod poſſit cognosci cujus panis ſit.
 Quicunque de villa *Oxon.* braciavit ad vendendum,
 exponat ſigillum ſuum, alioquin amittat
 cerviſiam. Vina *Oxon.* communiter vendantur
 indifferenter tam Clericis quam Laicis ex quo
 imbrochiata fuerint. Temptatio panis fiat
 in anno, viz. in quindena poſt feſtum Sancti
Michaelis, & circa feſtum Sanctæ Mariæ
 Martio; & aſſiſa cerviſiæ fiat eiſdem terminis
 ſecundum

secundum valorem bladei & brasei. Et quoties-
 que debeat fieri temptatio panis & cerevisiæ,
 intersit Cancellarius prædictæ Universitatis, vel
 aliqui ex parte suâ ad hoc deputati, si super hoc
 requisiti interessere voluerint: quod si non inter-
 sint, nec super hoc requisiti fuerint, nichil va-
 let temptatio prædicta. In cuius rei testi-
 monium has Literas nostras eidem Universi-
 tati fieri fecimus Patentes. Teste meipso apud
Wodestoke 18. die Julii, anno regni nostri tri-
 gesimo nono. Illud igitur quod superius expres-
 sum est, quod scilicet quatuor Aldermanni &
 duo de discretioribus & legalioribus Burgen-
 sibus prædictæ, ipsis Aldermannis associati vel
 sociandi, jurent nobis fidelitatem in præsentia
 nostra, & sint assistentes & consulentes Majori &
 ballivis prædictis ad ea quæ superius sunt ex-
 pressa, sic volumus observari, ut si præsentem
 non extiterimus, præstetur juramentum præ-
 dictum coram alio quem loco nostri ad hoc du-
 cimus assignand. In cuius rei testimonium has
 Literas nostras fieri fecimus Patentes. Teste
 meipso apud *Westm.* sexto die Februarii, anno
 regni nostri quadragesimo sexto. Inspeximus
 hasdam alias Literas Patentes, quas idem Avus
 noster fecit Clericis in dictâ Universitate studen-
 tibus, in hæc verba. HENRICUS Dei gratiâ
 rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aqui-
 taniæ*, omnibus ballivis ad quos præsentem literam
 pervenerint, salutem. Cum grave sit & tedio-
 sum Clericis laicum feodum habentibus poni in
 assis juratis vel recognitionibus ipsis scholis in-
 studentibus: Nos hujusmodi Clericis *Oxon.* stu-
 dentibus ad instantiam Universitatis ejusdem
 illam gratiam facere volentes specialem, ipsis
 concedimus, quod quamdiu studiis ibidem in-
 creant, & sub habitu Clericali in suo studio
 indubitanter proficiant, non ponantur in assis ju-
 ratis

ratis vel recognitionibus aliquibus: Et ideo vobis mandamus, quod dictos Clericos contra hanc Concessionem nostram non molestetis vel molestari permittatis. In cuius rei testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud *Westm.* secundo die Februarii, anno regni nostri quadragesimo nono. Inspeximus etiam quasdam alias Literas Patentes, quas idem Avus noster fecit eisdem Scholaribus, in hæc verba. HENRICUS Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, & Dux *Aquitaniæ*, omnibus Ballivis & fidelibus suis ad quos præsentem litteram pervenerint, salutem. Inspeximus Literas Patentes dudum confectas apud *Wodestoke*, in præsentia Procuratorum & Scholarium Universitatis *Oxon.* & Burgensium ejusdem villæ, super quibusdam libertatibus præfatis Scholaribus concessis, in hæc verba. Anno regni Regis *Henrici*, filii Regis *Johannis*, tricesimo secundo, 29 die Maii præsentibus apud *Wodestoke* tam Procuratoribus Scholarium Universitatis, quàm Burgensibus *Oxon.* idem Dominus Rex concessit eisdem Scholaribus libertates subscriptas, videlicet, Quod si inferatur injuria prædictis Scholaribus, fiat inde inquisitio, tam per Villatas vicinas, quàm per Burgeneses prædictos. Et quod si ipsi Burgeneses interficiant aliquem de Scholaribus *Oxon.* vel in aliquem ipsorum insultamentum faciant, vel aliqui ipsorum gravem injuriam inferant, Communitas dictæ villæ per se puniatur & amercietur; & Ballivi per se, & non cum Communitate eadem, puniantur & amercientur, si negligentes fuerint vel dolum fecerint in exequendo officium suum contra illos qui hujusmodi injurias prædictis Scholaribus inferant. Et quod Judæi *Oxon.* non recipiant à Scholaribus prædictis pro librâ in septimanâ nisi duos denarios, & similiter fiat in minori summâ secundum suam quantitatem, ali-

oquin

alioquin prædicti Judæi puniantur secundum con-
 suetudinem Regni. Et quòd quotienscunque &
 quodocunque Major & Ballivi *Oxon.* sacramen-
 tum fidelitatis suæ præstabunt in loco suo com-
 muni, Communitas ejusdem villæ denunciât Can-
 cellario, ut per se vel per aliquas electas perso-
 nas præstationi juramenti prædicti, si voluerit,
 intersit; quòd quidem juramentum tale erit
 quòd ad Scholares prædictos; videlicet, Quòd
 ipse Major & Ballivi conservabunt libertates &
 consuetudines Universitatis prædictæ; alioquin
 non valeat juramentum ipsorum, sed iterum
 præstetur secundum formam præscriptam. Si
 verò Cancellarius nec per se nec per Procurato-
 rem interesse voluerit, ad juramentum nichil-
 ominus procedatur. Et quòd duo Aldermanni
 sint electi & deputati de illis qui pro tempore
 fuerint, secundum quòd ordinati erant à Domi-
 no *W. de Eborac.* ad exhibendam justitiam cum
 Præpositi abfuerint, sub eâdem poenâ quâ Præ-
 positi tenentur, si negligentes vel maliciosi inve-
 niantur. Et quòd quilibet Burgenfis *Oxon.* pro
 familiâ suâ respondeat; ita quòd si aliquis de
 familiâ suâ mortem vel gravem injuriam alicui
 Clerico vel suis inferat, malefactorem exhibeat
 idem Burgenfis, ut fiat de eo justitia; alioquin
 infligatur poena secundum consuetudinem regni.
 Et quòd quotienscunque debeat fieri temptatio
 panis & cerevisiæ, ab eisdem Burgensibus præce-
 dente die denunciatur Cancellario & Procurato-
 ribus Universitatis prædictæ, ut per se, vel per
 aliquos ad hoc deputatos per ipsos, si voluerint,
 intersint temptationi prædictæ; alioquin non va-
 leat temptatio: si verò dicti Cancellarius & Pro-
 curatores Universitatis per se vel per suos inte-
 resse noluerint, ad prædictam temptationem
 nichilominus procedatur. In quorum omnium
 testimonium Dominus *Richardus*, filius *Nicholai*,
 senes-

senescallus Domini Regis, ad præceptum ejusdem Domini Regis, huic scripto sigillum suum apposuit, eodem Domino Rege per literas mandante Vicecomiti, Majori, & Ballivis *Oxon.* prædictas libertates inviolabiliter observent & faciant observari, quas etiam idem Dominus Rex fecit irrotulari, anno regni sui trigesimo tertio. Nos autem prædictam Concessionem prædictis Scholaribus super præfatis libertatibus de præcepto nostro factam, ut prædictum est, rata habentes & grata, eam præsentibus Literis nostris Patentibus Scholaribus antedictis concedimus, & sigilli nostri munimine roboramus. Teste meipso apud *Wodestoke* 21. die Junii, anno regni nostri quinquagesimo secundo. Nos autem Concessionem prædictam ratas habentes & gratas, eas pro nobis & hæredibus nostris, quantum in nobis est, eisdem Cancellario, Magistris Scholaribus & Universitati concedimus & confirmamus, sicut literæ prædictæ rationabiliter testantur. Præterea volentes eisdem Cancellario Magistris, Scholaribus & Universitati gratiam in hac parte facere uberiores, concessimus etiam pro nobis & hæredibus nostris, quòd licet ipsi vel eorum prædecessores, libertatibus prædictis vel aliquâ earundem, aliquo casu emergent, hætenus plenè usi non fuerint, ipsi tamen & eorum successores libertatibus illis & earum quolibet, sine occasione vel impedimento nostri vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque, de cætero plenè gaudeant & utantur. In cujus rei testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud *Thunderle*, vicesima die Maii, anno regni nostri octavo. Nos autem Concessionem prædictam ratas habentes & gratas eas pro nobis & hæredibus nostris, quantum in nobis

vobis est, præfatis Cancellario, Magistris, Scholaribus & Universitati, ad instantem requisitionem dilecti Clerici nostri, Magistri *Roberti de Stratford*, Archidiaconi *Cantuar.* Cancellarii Universitatis prædictæ (ad cujus personam affectionem gerimus specialem) concedimus & confirmamus, sicut literæ prædictæ rationabiliter estantur. Præterea volentes eisdem Cancellario, Magistris, Scholaribus & Universitati, ad sollicitam ejusdem Clerici nostri instantiam, & contemplationi personæ suæ gratiam in hac parte facere ampliores; concessimus eis pro nobis & heredibus nostris, & hac Cartâ nostrâ confirmamus, quòd licet ipsi vel eorum prædecessores libertatibus prædictis, vel aliquâ earundem, aliquo casu emergente hætenus plenè usi non fuerint, ipsi tamen & eorum successores libertatibus illis, & earum quâlibet, sine occasione vel impedimento nostrî vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quovis, & de cætero plenè gaudeant & utantur. Insuper cum per dictas Literas Patentes præfati Proavi nostri, concessum fuisset dictis Cancellario & Universitati, quòd quamdiu dicto Proavo nostro placeret in causis Clericorum, & mutuis datis aut receptis, aut taxationibus seu locationibus domorum, aut equis conductis, venditis seu commodatis, seu pannis & victualibus ortum habentibus, seu aliis quibuscumque rerum mobilium contractibus in municipio aut suburbio *non*, factis, prohibitio sua non curreret, sed hujusmodi causæ coram Cancellario Universitatis *non*, non obstante prohibitione suâ, deciderentur: Volumus & concedimus pro nobis & heredibus nostris, de nostrâ uberiori gratiâ, ut studentes in Universitate prædictâ studiis hujusmodi perfrui & intendere tranquillius, & fatigationes,

nes, ac alia litium & jurgiorum dispendia valeant evitare, quòd in omnibus hujusmodi causis Clericorum in dictâ villâ *Oxon.* & suburbiis ejusdem ortum habentibus, prohibitio nostra vel hæredum nostrorum de cætero aliquibus futuris temporibus nequaquam currat, nec locum habeat, sed hujusmodi coram Cancellario Universitatis prædictæ qui pro tempore fuerit, vel ejus Commissario sive locum-tenente, non obstantibus hujusmodi prohibitionibus regiis, perpetuò decidentur. Item cum in aliis literis prædicti Proavi nostri contineatur, quòd omnes domus ejusdem municipii *Oxon.* à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur, secundum arbitrium taxatorum Clericorum & Laicorum ex utraque parte juratorum: Volumus, & prædictis Cancellario, Magistris, Scholaribus & Universitati pro nobis & hæredibus nostris concedimus, quòd omnes domus tam in suburbiis dictæ villæ *Oxon.* quam in eadem villâ, à Scholaribus inhabitatæ & inhabitandæ, de quinquennio in quinquennium retaxentur in formâ prædictâ. Item cum per alias literas ipsius Avi nostri prædictas concessum sit & provisum, quòd quatuor Aldermanni fiant in *Oxon.* & octo de discretioribus & legalioribus Burgensibus ejusdem villæ associantur ipsis Aldermannis, qui omnes jurent nobis fidelitatem & sint assistentes & consulentes Majori & Ballivis nostris *Oxon.* ad pacem nostram conservandam, ad assisas dictæ villæ custodiendas, & ad investigandas malefactores & perturbatores pacis nostræ, & vagabundos de nocte, & receptores latronum & malefactorum, & corporale præstent sacramentum, quòd omnia prædicta fideliter observabunt; & quòd in quâlibet parochia villæ *Oxon.* sint duo homines electi de legalioribus parochianis, & jurati quòd in quâlibet quinquennium

denā inquirent diligentius, ne quis suspectus
hospitetur in Parochiā: & si aliquis receptave-
rit aliquem per tres noctes in domo suā, respon-
deat pro eo. Ac ex parte prædictorum Cancel-
larii & Universitatis sit intelligi nobis datum,
quòd pro eo quòd aliqui ad sacramenta Alder-
mannorum prædictorum & dictorum octo Affo-
ciatorum in absentiā nostrā recipienda, & ad
dictos duos homines in quālibet parochiā dictæ
villæ sic eligendos, minimè deputantur, eadem
sacramenta & electio eā de causā sæpius sunt o-
missa, per quod diversa maleficia in eādē villā
hactenus perpetrata fuerint, & indies perpetran-
tur; & nobis sit supplicatum, ut super hoc op-
portunum apponere remedium dignaremur: Nos
pro utilitate & quiete dictæ Universitatis pro-
videre volentes, concessimus pro nobis & hære-
dibus nostris, quòd Cancellarius Universitatis
prædictæ qui pro tempore fuerit, vel ejus Com-
missarius vel locum-tenens, ac Major dictæ vil-
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æ pro tempore existens, sacramenta prædicto-
rum quatuor Aldermannorum & dictorum octo
sibi de Burgensibus prædictis associatorum, singu-
lis annis ad festum sancti Michaelis (si nos vel
hæredes nostri tunc ibidem præsentēs non fueri-
mus) nostro & ipsorum hæredum nostrorum no-
mine recipiant, quòd ipsi Aldermanni & Affo-
ciati omnia prædicta fideliter observabunt, &
quòd dicti Cancellarius sive Commissarius, vel
ejus locum-tenens, ac Major, singulis annis, vel
magis solito, si expedire imminentibus periculis
videatur, duos homines in quālibet parochiā
dictæ villæ & suburbiorum ejusdem de legaliori-
bus parochianis illis eligant vel eligi faciant, &
quòd ipsorum sacramenta nostro nomine recipi-
ant, quòd ipsi sic electi & jurati in quālibet quin-
denā diligenter inquirent, ne suspectus aliquis
in parochiā hospitetur; & si quis aliquem per

tres noctes in domo suâ receptaverit, pro eo respondeat ut est dictum; & quòd de toto facto suo in hâc parte dictos Cancellarium five Commissarium, vel ejus locum-tenentem, ac Majorem pro tempore existentem, distinctè & indilate certificent, ut ipsi ulterius contra hujusmodi suspectos & eorum receptores, prout ad officia sua pertinet, procedere & facere valeant, prout pro conservatione pacis nostræ ibidem, & punitione & castigatione malefactorum hujusmodi rationabiliter fuerit faciendum. Insuper cum in aliis Literis Patentibus dicti Proavi nostri continetur, quòd quilibet Burgenfis *Oxon.* pro familiâ suâ respondeat; ita quòd si aliquis de familiâ suâ mortem vel gravem injuriam alicui Clerico vel suis inferat, malefactorem exhibeat idem Burgenfis, ut fiat de eo justitia; alioquin infligatur pœna secundum consuetudinem regni: Volumus & concedimus pro nobis & hæredibus nostris, quòd quilibet Burgenfis pro familiâ suâ & servientibus suis respondeat in emptionibus & venditionibus vini & aliorum victualium quorumcunque ipsorum Burgensium, tam in suburbiis quàm villâ prædictis venditioni expositorum, ubi Scholaris est una partium, ipsis Burgensibus de excessibus & injuriis per familiam vel servientes suos in hujusmodi emptionibus & venditionibus per præfatum Cancellarium, vel ejus vices gerentem, semel vel bis, si opus fuerit, primitus debite præmunitis; & quòd dictus Cancellarius, vel ejus Commissarius aut locum-tenens, qui pro tempore fuerit, cognitionem de hujusmodi excessibus & injuriis in emptionibus & venditionibus prædictis, ubi Scholaris est una pars, ut prædicitur, habeat, & delinquentes in hâc parte puniri faciat, prout decet. Item cum Burgenfes dictæ villæ *Oxon.* homines pannos laneos & telas lineas venales ad eandem villam portan-

tes, dictos pannos & telas secare, & per partes vendere Scholaribus & aliis eos emere volentibus, nisi eosdem pannos & telas integros emere voluerint, hætenus non permiserint, nec adhuc permittant, ut accepimus, quovismodo, in ipsorum Magistrorum & Scholarium & nonnullorum aliorum grave dampnum & jacturam, per quod nobis est cum instantiâ supplicatum, ut super hoc remedium apponamus: Nos nolentes talia, quæ sic in dampnum & gravamen populi nostri redundare noscuntur, tolerare aliququaliter incorrecta, volumus & concedimus pro nobis & hæredibus nostris, quòd omnes hujusmodi pannos laneos & telas lineas venales ad villam prædictam, seu suburbia ejusdem, portantes vel ducentes, eosdem pannos & telas ibidem secare, & hujusmodi pannos & telas, tam per partes quàm integros, tam Clericis quàm aliis vendere possint, prout vendentium voluntati placuerit, & eis visum fuerit expedire, sine occasione, impedimento, aut perturbatione Majoris, Ballivorum & Burgensium dictæ villæ, ac aliorum quorumcunque. Insuper cùm Cancellarius Universitatis prædictæ pro quiete ejusdem Universitatis & conservatione pacis nostræ ibidem, ac malefactorum maliciis refrænantis Clericos in eadem Universitate delinquentes, tam pro suspicionibus & aliis causis diversis, pro majoribus dampnis & periculis evitandis, quàm pro delictis suis, investigare & capi facere sæpius & diversimodè oporteat, & committere custodiæ carcerali, & idem Cancellarius metuat se ad prosecutionem hujusmodi imprisonatorum de imprisonamentis illis posse imposterum prægravari, & nobis sit supplicatum, ut indemnitati Cancellarii dictæ Universitatis velimus prospicere in hac parte: Nos considerantes quòd pax nostra ubique inviolabiliter observetur, & delinquentes in eadem Universitate

ad maiorem quietem & tranquillitatem ejusdem debite castigentur, ac volentes Cancellarii dictæ Universitatis pro tempore existentis securitati in præmissis providere, volumus & concedimus pro nobis & hæredibus nostris, quantum in nobis est, quòd Cancellarii ejusdem Universitatis qui hætenus fuerunt, vel ex nunc erunt, aut eorum Commissarii vel loca-tenentes, occasione imprisonmentum Scholarium dictæ Universitatis, seu aliorum, per ipsos Cancellarios, pro conservatione pacis nostræ, & quiete Universitatis prædictæ, ac punitione & castigatione malefactorum hujusmodi ibidem hætenus imprisonmentum seu exinde imprisonmentum, illorum videlicet qui in eadem Universitate, in villâ & suburbiis prædictis, Scholaribus, seu eorum servientibus, seu aliis de jurisdictione Universitatis prædictæ delinquentes inventi, seu de maleficiis ibidem perpetratis notoriè suspecti vel convicti fuerint per breviam nostram vel hæredum nostrorum, de audiendo & terminando, vel de falso imprisonmentum seu quovis alio colore, in curiis nostris vel hæredum nostrorum, sive aliis aut alibi nullatenus occasionentur, inquietentur, molestentur in aliquo seu graventur. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quòd prædicti Cancellar. & Major, qui pro tempore fuerint, omnes libertates prædictas, quatenus eadem libertates ipsos conjunctim vel separatim contingant, in perpetuum habeant, & eis gaudeant & utantur absque impedimento nostri vel hæredum nostrorum, Justic. aut aliorum quorumcunque. Hiis testibus, Venerabilibus Patribus *Johanne Cantuariæ* Archiepiscopo, totius *Angliæ* Primati, Cancellario nostro; *Henrico Lincolnia* Episcopo, Thesaurario nostro; *R. Dunolmen.* Episcopo, *Johanne Comite Cornubia*, fratre nostro carissimo, *Willielmo de Monte Acuto*; *Roberto de Ufford* Senesc.

Senescallo Hospitii nostri; & aliis. Dat. per manum nostram apud *Waltham* xii. die Aprilis, anno regni nostri decimo. Inspeximus etiam quandam Confirmationem, quam Dominus *Edwardus*, quondam Rex *Angliae*, Pater noster, fecit prædictis Cancellario & Universitati, super quibusdam Ordinationibus inter eosdem Cancellarium & Scholares dictæ Universitatis ex unâ parte, & Burgenfes ejusdem villæ ex alterâ factis, in hæc verba. *EDWARDUS* Dei gratiâ Rex *Angliae*, Dominus *Hibernia*, & Dux *Aquitania*, omnibus ad quos præsentēs litteræ pervenerint, salutem. Inspeximus quandam ordinationem super diversis contentionibus & exactionibus inter Cancellarium & Scholares Universitatis *Oxon.* ex unâ parte, & Majorem & Burgenfes ejusdem villæ ex alterâ, dudum motis, super quibusdam gravaminibus & contumeliis hinc inde illatis, coram celebris memoriæ Domino *Edwardo*, quondam Rege *Angliae*, Patre nostro, & consilio suo, ad Parliamentum suum, post Pascha, anno regni sui decimo octavo, per ipsum Regem Patrem nostrum & consilium suum factam, & responsiones ejusdem Patris nostri super diversis articulis in eâdem ordinatione contentis continentem, in hæc verba. Cùm inter Cancellarium & Scholares Universitatis *Oxon.* ex unâ parte, & Majorem & Burgenfes ejusdem villæ ex alterâ, diversæ contentiones & exactiones, super quibusdam gravaminibus & contumeliis hinc inde illatis, motæ fuissent; tandem coram ipso Domino Rege & ejus Consilio, ad Parliamentum suum, post Pascha, anno regni sui, videlicet, regni Regis *Edwardi*, filii Regis *Henrici*, decimo octavo, in præsentia Cancellarii & quorundam Magistrorum prædictæ Universitatis plenariam potestatem habentium, & etiam Majoris & Burgensium ejusdem villæ, mutuò consentientium, contentiones

& contumeliæ quæcunque hinc indè illatæ, usque festum sancti *Johannis* ante portam latinam, consentiente & concedente ipso Domino Rege, in hunc modum conquieverunt, videlicet, quòd omnes occasiones & demandæ, quas prædicti Cancellarius & Scholares habuerunt vel habere poterunt versus prædictos Majorem & Burgeneses, & etiam quas iidem Major & Burgeneses habuerunt vel habere poterunt versus prædictos Cancellarium & Scholares, quoquo modo, quâcunque occasione quarumcunque transgressionum usque diem prædictum hinc inde factarum, quietè & integrè remittantur, irritentur, & adnullentur. Sed quia Domino Regi & ejus Consilio visum est, quòd per compositionem seu concordiam prædictam nulla persona singularis ab actione personali, occasione transgressionis sibi personaliter illatæ, possit vel debeat excludi; concessum est & provisum bonâ fide hinc inde, quòd nec prædictus Cancellarius aut Scholares, nec prædicti Major aut Burgeneses, alicui conqueri se volenti, occasione alicujus transgressionis ante concordiam prædictam sibi illatæ, auxilium nec consilium exhibebunt aut juvamen, vel aliquo modo sustentabunt, in placito illo prosequendo, defendendo, aut in aliquibus placitum illud tangentibus. Et si forte contingat querelam aliquam temporibus retroactis factam coram Cancellar. Universitat. prædictæ innovari, iidem Cancellar. & Scholar. pro se & Cancellar. imposterum succedentibus, bonâ fide promiserunt, quòd favorem majorem aut graviorem, seu sustentationem, Clerico quàm Laico, cujuscunque fuerint conditionis, non impendent; immo juris ordine observato, nullo habito respectu ad personam quamcunque, in querelâ illâ ritè procedant, & debitum & festinum utrique parti faciant justitiæ complementum. Et ad istam concordiam

& etiam perpetuam pacem & firmam inter prædictas partes de cætero observand. prædicti Major & Burgenſes firmiter & bonâ fide promiſerunt, quòd omnes libertates & liberas conſuetudines, quas prædicti Cancellarius & Scholares habent per cartas & conſeſſiones Domini Regis & Progenitorum ſuorum, & etiam omnes alias conſuetudines quibus iidem Cancellarius & Scholares rationabiliter uſi ſunt, benè & firmiter tenebunt, & fideliter teneri facent de cætero, ſine aliquâ contradicſtione. Et quia viſum fuit eidem Majori & Burgenſibus, quòd prædicti Cancellar. & Scholares quibuſdam conſuetudinibus in cartis Domini Regis & Progenitorum ſuorum ſibi factis abutuntur, & quibuſdam uti nituntur, quæ in cartis ſuis non continentur, & quæ in exhæredationem ipſius Domini Regis, coronæ & dignitatis ſuæ læſionem, manifeſtè redundant, iidem Major & Burgenſes quosdam articulos ſubſcriptos ipſi Domino Regi porrexerunt, ſupplicantes ut, auditis articulis illis & intellectis, in præſentiâ tam ipſorum Majoris & Burgenſium, quàm prædictorum Cancellarii & Scholarium, debitum & perpetuum apponat remedium, & quibus articulis, prout patet inferiùs, cuique ſingulavit, per ipſum Dominum Regem & Conſilium ſuum eſt reſponſum, perpetuò duratur. In primis, ubi prædicti Major & Burgenſes queruntur, quòd cum per cartas Domini Regis Cancellario & Univerſitati prædictæ factas & conſeſſas, quatuor Aldermanni & octo Burgenſes iurati ſint & aſſociâti Majori & Ballivis, ad pacem Domini Regis obſervandam, & ad malefactores areſtandos & de nocte vagabundos, & iidem tales contra pacem Domini Regis attachient & areſtent, prædictus Cancellarius pro voluntate ſuâ eos faciat deliberari, & præterea ipſos Aldermannos & Ballivos, & alios quoscumque manus injicientes in

hujusmodi malefactores citari faciat coram eo, ita quòd per sententiam vel imprisonamentum ipsos redimat pro suâ voluntate. Ad quem articulum per Dominum Regem est responsum, Quòd idem Dominus Rex vult & concedit, quòd Cancellarius Universitatis prædictæ, qui pro tempore fuerit, habeat cognitiones quarumcunque transgressionum infra prædictam villam factarum, ubi Clericus fuerit una partium, exceptis placitis de morte hominis & de mahemio, & vult quòd de Ballivis ipsius Domini Regis cognoscat, qui aliter se gerunt in officio suo quàm facere debent; & si iidem Ballivi per Cancellarium se sentiant gravatos, veniant ad Curiam Regis, & ibidem justitiam habebunt; & hoc concedit Dominus Rex Universitati prædictæ pro voluntate suâ. Ad hoc etiam quod prædicti Burghenses queruntur, quòd cùm in cartâ Domini Regis contineatur, quòd non liceat aliquibus Regratoribus aliqua victualia infra villam *Oxon.* vel extra, ad eandem villam venientia, emere ante horam nonam, & si fecerint, quòd victualia sic empta sint forisfacta & amissa, prædictus Cancellarius forisfacturam illam & amerciamenta inde provenientia sibi appropriat & usurpat super Dominum Regem & Ballivos suos, ad grave dampnum & deteriorationem firmæ suæ villæ de *Oxon.* Ad quod respondit Dominus Rex, & vult, quòd Cancellarius & Major in villâ *Oxon.* & Cancellarius & Vicecomes Domini Regis *Oxon.* extra villam *Oxon.* qui pro tempore fuerint, de forstallatoribus illis habeant cognitionem, ita quòd res forisfacturæ de assensu Cancellarii & Majoris infra Villam *Oxoniam*, & etiam de assensu Cancellarii & Vicecomitis extra Villam *Oxoniam*, dentur Hospitali Sancti *Johannis* extra portam orientalem

orientalem & per visum eorundem in eleemosynam ipsius Domini Regis, & hoc concedit Dominus Rex pro suâ voluntate. Ad hoc etiam quod prædicti Major & Burghenses queruntur, quòd cum in Chartâ Domini Regis contineatur, quòd si Laicus Clerico transgrediatur, & pro transgressionem illâ prisonæ committatur quousque per considerationem Cancellarii Clerico læso satisfiat, quòd Cancellarius Laicum illum sic imprisonatum redimit ita graviter quod fere destruitur quicumque fuerit; & præterea Laicum sic imprisonatum per obligationem sic ligat, & etiam per obligationem pecuniæ solvendæ si ex tunc transgrediatur, quòd multi de villâ illâ destruantur & exhæredantur. Ad quod Dominus Rex vult & respondit, quòd Cancellarius qui pro tempore fuerit, faciat facere emendationes rationabiles tam de Laicis quàm de Clericis convictis coram eo de transgressionem, & quòd capiat hinc inde per obligationem, seu alio modo sicut rationabiliter hucusque fieri consuevit severitatem sufficientem, &c. Ad hoc etiam quòd prædicti Major & Burghenses queruntur, quòd cum in Chartâ Domini Regis contineatur, quòd Ballivi Villæ prædictæ juramentum suum facere debent in loco communi, prædictus Cancellarius & Scholares venire faciant Ballivos illos coram eis ad ecclesiam B. *Mariæ*, & ibi aliud juramentum de eis capiant & jurare faciant, quòd juramentum illud tenebunt, pro se, & hæredibus suis, & familiâ suâ, nec permittant illos in juramento illo faciendo excipere fidem in quâ domino Regi tenentur, & per idem juramentum eis injungunt, quòd remedium eis non perirent in Curia Domini Regis, vel per ejus consilium in hiis, quæ ipsos Cancellarium & Universitatem contingunt. Ad quod Dominus Rex prohibet, quòd Burghenses prædicti coram præ-

prædicto Cancellario aliquod juramentum aliter non faciant, nisi salvâ fide Domini Regis, & quò de cætero non jurent quòd conqueri se non debeant in curiâ Domini Regis de transgressionibus sibi factis, si necesse fuerit; sed Dominus Rex vult bene quòd juramentum Aldermannorum & etiam octo & quinquaginta hominum Villæ prædictæ de cætero fiat sicut fieri consuevit: Ita tamen quòd prædicti Burgenfes non jurent nisi per seipsos. Et præceptum est Majori, quòd de cætero scire faciat Cancellarium, quòd sit ad juramentum faciendum de Burgenfibus prædictis secundum tenorem Cartæ Domini Regis. Ad hoc etiam quòd prædicti Major & Burgenfes queruntur, quòd cùm forisfacturæ emendæ & amerciamenta de carnibus & piscibus putridis & incompetentibus pertineant Domino Regi & Ballivis suis prædictæ Villæ in quorumcunque Mercatorum ejusdem Villæ, seu aliorum manibus inveniantur, prædicti Cancellarius & Scholares per Procuratores suos Universitatis prædictæ sibi forisfacturas emendas & amerciamenta illa appropriant sine Warranto ut creditur, & grave dampnum Regis & firmariorum fuorum ejusdem Villæ; Ad quod Dominus Rex vult & præcipit, quòd neq; Cancellarius, nec Major, forisfacturas emendas, vel amerciamenta tales percipiat; sed præcipit & vult, quòd si tales carnes & pisces emantur & inde fiat querimonia quòd Cancellarius & Major conjunctim inde habeant cognitionem, & si res emptâ putrida & incompetens inveniatur, reddatur Emptori pecunia sua quam pro eâ dedit, & forisfactura & amerciamenta per ipsos Cancellarium & Majorem adjudicentur, & per eosdem liberentur Priori Hospitalis Sancti *Johannis* prædicti de dono Domini Regis ad suam Voluntatem, &c. Ad hoc etiam quòd prædicti Major & Burgen

es queruntur, quòd cùm per chartam Domini Regis non conceduntur aliquæ Libertates aliis in prædictâ Villâ quàm Scholaribus Universitatis prædictæ Villæ, & illi Scholares sint exempti à Civitate prædictâ ad respondendum coram eis, vel simul cum ipsis, de aliquibus rebus ipsum Dominum Regem vel Civitatem prædictam tangentibus, prædicti Cancellarius & Scholares per procuratores suos alios sibi appropriant, & qui non sunt Scholares, ut Scissores, Barbatores, scriptores, Pergamenatores, & hujusmodi qui non sunt de jurisdictione suâ, & qui habent in eadem villâ Uxores, Familiam, & Mercandisas suas, & hoc ad grave dampnum Domini Regis & firmariorum suorum; ad quod, per prædictum Cancellarium & Magistros, & etiam per prædictos Majorem & Burghenses unanimiter est concordatum, quòd de cætero nullus gaudeat libertatibus seu privilegiis Universitatis prædictæ nisi Clerici & eorum Familia & Servientes; Pergamenatores, Luminatores, Scriptores, Barbatores, & alii homines de officio qui sunt de nobis ipsorum Clericorum, & si de Mercandis aliquibus se intromittant, sint talliabiles simul cum Burghensibus. Ad hoc etiam quòd prædicti Major & Burghenses queruntur, quòd ubi ipsi solebant tenementa sua in Villâ tradere & remittere ad firmam pro voluntate suâ ad sustentationem suam & parvulorum suorum, prædicti Cancellarius & Scholares non permittunt eos tenementa sua ad terminum breviorum tractare quàm ad terminum trium annorum, ad grave dampnum communitatis prædictæ; ad quod Dominus Rex vult & præcipit, quòd prædicti Burghenses non impediuntur per prædictos Cancellarium & Scholares & Procuratores suos in tenementa sua dare & vendere possint, & ad firmam dimittere prout sibi viderint expedire.

Ita

Ita tamen quòd fraus, collusio seu conventio non fiat per quod Clerici deospitentur vel eorum hospitia fiant cariora, & etiam quòd Clerici hospitia sua privilegio locato non demittant contra consuetudinem usitatam. Ad hoc etiam quòd prædicti Major & Burghenses queruntur quòd cum quilibet liber homo rationabilem debeat habere Summonitionem, prædictus Cancellarius ad horam primam eos facit Summoneri quòd sint coram eo ad horam tertiam, & si non venerint, facit eos excommunicari & puniri pro voluntate suâ; ad quod, per Dominum Regem est concordatum & præceptum, quod homines commorantes in Villâ Oxon. de cætero summoneantur uno die quòd compareant ad alium diem & non aliter; sed alii homines vagabundi summoneantur ad voluntatem ipsius Cancellarii, & secundum quod viderit rationabile esse faciendum, & si necesse fuerit quòd Inquisitiones fiant pro pace Domini Regis observandâ, quòd homines infra villam commorantes veniant quâcunque horâ fuerint summoniti, &c. Ad hoc etiam quod prædicti Major & Burghenses queruntur, quod cum Milites, liberi homines, & alii, transeunt per propriam hospitentur ad domos Burghensium de Oxon. & aliquis Clericus Universitatis prædictæ actionem versus tales extraneos movere voluerit, justè vel injustè pro contractibus seu conventionibus forinsecus & extra Commissionem factis, prædictus Cancellarius ad querelam Clerici sequestrare facit equitaturam & . . . suum talium extraneorum, licet fuerint in servitio Domini Regis aut alterius cujuscunque Magnatis, & si hospes ille aliquem talem extraneum cum Domino Rege aut alio magnate existentem arestare, & bona sua retinere non audeat, vel non possit, sed ipsum liberè abire permittit, Cancellar. ipsum punit ut culpabilem transgressionis

tionis prædictæ ; ad quod Dominus Rex vult & præcipit, quod transeuntes per villam *Oxon.* respondeant coram Cancellario de contractibus & transgressionibus factis Scholaribus infra villam *Oxon.* & non de contractibus & transgressionibus forinsecis. Ad hoc etiam quod prædicti Major & Burgenſes queruntur, quòd cùm aliquis Laicus per Clericum fuerit vulneratus, ita quòd de vitâ desperetur, prædictus Cancellarius ipsum petit sibi deliberari priusquam veritas de vitâ vel de morte vulnerati poterit sciri, & contractores excommunicari facit. Ad quod Dominus Rex vult & præcipit Cancellarium prædictæ Universitatis firmiter injungendo, quòd nullum Clericum in prisonâ detentum pro vulnerare aut Mahemio de prisonâ deliberet quousque veritatem certam & indubitatam intelligat, quòd de morte aut Mahemio non desperetur, & benè caveat Cancellarius in hoc articulo quòd omnibus faciat justiciam. Ad hoc etiam quòd prædicti Major & Burgenſes queruntur quòd cùm prædicti Cancellarius & Scholares clamant habere taxationem domorum Burgenſium in quibus Clerici inhabitant in villâ prædictâ, & taxatio illa fieri debeat de septennio in septennium, & per sacramentum Magistrorum & Burgenſium, prædicti Cancellarius & Scholares & Procuratores sui Universitatis prædictæ, Burgenſes ipsos jurare faciant de taxatione illâ faciendâ, de quinquennio in quinquennium, nec permittunt Magistris jurare prout quòd taxationes illæ non sunt rationabiliter factæ, sicut de jure esse debent ad grave dampnum Burgenſium, & etiam villæ Domini Regis, & sine Warranto ut credunt ; ad quod Dominus Rex vult & firmiter præcipit, quòd taxationes domorum in villâ *Oxon.* fiant de quinquennio in quinquennium, prout carta Domini Regis vult, per duos Clericos

&

& duos Laicos juratos, & si Clerici jurent per sacramentum, quod fecerunt Universitati, Laici jurent per sacramentum quod Domino Regi fecerunt, & si Clerici novum faciant juramentum, quòd Laici hoc faciant & in loco ubi temporibus retroactis facere consueverunt, &c. Nos autem ordinationem prædictam quam coram nobis venire fecimus ad requisitionem discreti viri Magistri *Henrici de Harcla*, Cancellarii Universitatis prædictæ, acceptantes eam pro nobis & Hæredibus nostris, quantum in nobis est concedimus & confirmamus, volentes & concedentes pro nobis & hæredibus nostris, quòd prædicta ordinatio in omnibus & singulis suis articulis firmiter & inviolabiliter observetur secundum formam superius annotatam. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud *Westm.* xi^o die Martii, anno regni nostri octavo. Insuper infuper quandam aliam cartam quam nos nuper fieri fecimus in hæc verba. EDWARDUS Dei gratiâ Rex *Anglia & Francie*, & Dominus *Hibernie*, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis & fidelibus suis, salutem. Inter cætera per quæ regnantium & regnorum exaltatio procuratur, ac subditorum consulitur commodis & quieti, illud videtur attentâ consideratione præcipuum, ut in ipsorum regnorum regimine, potentia & sapientia quod de fluvio liberalis scientiæ potissimè derivatur, sua communicent officia & mutuò se supportent, nam potestas militaris nisi fuerit per sapientiam regulata, de facili deviat, & velut navis sine gubernaculo procellis exposita citò perit, & visum est communiter accidere quòd ubi studium Scientiarum liberalium plus invaluit, illic floruit e-

minen-

minentiùs militia secularis, & abscedente hujus-
 modi studio militiæ strenuitas est secuta, sanè
 cùm Universitas *Oxon.* velut fons & alveus hujus-
 modi studii præcipuus rore Scientiæ liberalis
 regnum nostrum *Angliæ* eminentissimè resperse-
 rit, & sicut vitis abundans multos in vineâ Do-
 mini produxerit palmites fructuosos, viros videli-
 cet literatissimos, per quos tam ipsum regnum
 quàm ejus sacerdotium decoratum est & multi-
 pliciter roboratum. Nos qui consideratione
 præmissâ quietem & incrementum ipsius Uni-
 versitatis corditer appetimus, auditâ periculosa
 discordiâ nuper inter Scholares ipsius Universi-
 tatis & homines dictæ Villæ suscitâtâ & intelle-
 ctis homicidiis, incendiis, deprædationibus & ma-
 lis aliis ibi factis, dolentes fuimus nimirum &
 turbati videntes ipsam Universitatem, peculia-
 rem dicti regni Thesaurum, & super aurum &
 topazion preciosum, miserabiliter desolatam ac
 subversioni patenter expositam, si contra cun-
 ctos culpabiles facta fuisset persecutio rigorosa; &
 proinde volentes parcere multitudini, severitati
 prout expedit detrahendo, ut sic ipsam Univer-
 sitatem redintegrare, & super ipsius quiete per-
 petuâ possumus melius & securius per Dei gra-
 tiam ordinare. Quia tam Cancellarius & Scho-
 lares ipsius Universitatis, quàm Major & Com-
 munitas dictæ Villæ super omnibus sic mutuò
 perpetratis & eorum reformatione ac damno-
 rum refusione se, bona sua, jurisdictiones ac ju-
 ra, libertates & privilegia eis, per Progenito-
 res nostros, & nos concessa, vel per eos usitata,
 dispositioni nostræ & voluntati simpliciter sub-
 miserunt, nobis humiliter supplicantes ut super
 iis ordinare juxta nostrum beneplacitum digna-
 remur, dictas submissiones admisimus, & juxta
 eam & efficaciam earundem cepimus in manum
 nostram dictam discordiam, & omnia jurisdic-
 tiones

ones libertates & privilegia, tam Cancellario, Magistris & Scholaribus ipsius Universitatis, quàm Majori, Ballivis & hominibus dictæ Villæ, per Progenitores nostros, & nos concessa, vel per eos in præterito usitata, ac etiam compositiones & omnia alia in dictis submissionibus plenius expressata, prohibentes sub gravi forisfacturâ nostrâ ne de cætero mutuò se invadant, sed ab omnibus cessent injuriis contumeliis atque brigis, & ad revocandum dispersos & affecurandum alios illuc venire volentes; ordinavimus & mero motu nostro concessimus pro nobis & hæredibus nostris, quòd omnes & singuli studere ibidem volentes, tam illi qui ratione dictæ turbationis recefferant, quàm alii, illuc securè possunt accedere & morari, quos omnes & singulos in protectionem & defensionem nostras suscepimus speciales. Et ut dictis Scholaribus & eorum servientibus securior ad dictam Universitatem pateat regressus & aditus, perdonavimus de gratiâ nostrâ speciali & ex plenitudine potestatis regię, ac pro bono publico, omnibus & singulis Magistris & Scholaribus & eorum servientibus omnimodas felonias, roberias, incendia & transgressiones per ipsos vel eorum aliquem in turbatione prædictâ perpetrata, & firmam pacem nostram eis inde concessimus. Nolentes quòd ipsi Magistri, Scholares, vel eorum servientes, ad sectam nostram vel aliorum pro dictis feloniis, roberiis, incendiis & transgressionibus impetantur, molestentur in aliquo, seu graventur. Ad hæc de gratiâ nostrâ supradictâ restituimus dictis Cancellario, Magistris & Scholaribus, omnia Jurisdictiones, jura, libertates & privilegia sic in manum nostram capta. Ita quod eis & eorum singulis utantur & gaudeant prout ante turbationem & captionem prædictas usi sunt pariter & gavisi. Item cum in Universitate prædictâ graves discor-

diæ pluries sint exortæ ex eo quòd Cancellarius
 ipfius Universitatis, & Major dictæ Villæ qui
 juxta concessionem noſtram ſuper hoc eis factam
 debuerant aſſiſam Panis & Cerviſiæ communi-
 ter cuſtodire ſuper punitione in hâc parte faci-
 endâ maxime propter malitiam Laicorum ven-
 ditorum dictorum victualium querentium in
 communi diſpendio lucra ſua non poterant fa-
 cilitate conſentire. Nos diſcordiis hujusmodi
 quæ ex cognitione tali provenire poterunt, vo-
 lentes ut expedit obviare, virtute ſubmiſſionis
 prædictæ ordinaviſus & conceſſimus, pro nobis
 & Hæredibus noſtris, & hac Charta noſtra con-
 firmaviſus, quòd Cancellarius ipſius Univerſi-
 tatis, & Succeſſores ſui, & eorum Vices gerentes,
 ſoli & inſolidum in villâ *Oxon.* & ſuburbiiſus ejus-
 dem, habeant cuſtodiam Aſſiſæ Panis, Vini, &
 Cerviſiæ, ac correctionem & punitionem ejus-
 dem, cum finibus, amerciamentis, & proficuis
 aliis provenientibus in hâc parte. Reddendo no-
 bis & Hæredibus noſtris centum Solidos annua-
 tim, videlicet, quinquaginta Solidos ad Scacca-
 rium noſtrum Sancti *Michaelis*, & quinquaginta
 Solidos ad Scaccarium noſtrum *Pasche*. Con-
 cedimus etiam, quòd Cancellarius ſolus & inſo-
 lidum, & Succeſſores ſui, vel eorum Vices ge-
 rentes imperpetuum habeant cuſtodiam Aſſiſæ
 & Aſſaiæ, ac ſuperviſum Menſurarum & Pon-
 derum in dictâ villâ *Oxon.* & ſuburbiiſus ejusdem:
 Ita quòd ipſe Cancellarius vel ejus Vices gerens,
 quotiens opus fuerit, dicta Menſuras & Ponde-
 ra ſupervideat, & ea quæ falſa invenerit com-
 muni & deſtrui faciat, & alia legalia & juſta de-
 putet & conſignari faciat, nec non tranſgreſſo-
 res quos in hâc parte invenerit, debitè puniat &
 caſtiget. Ita tamen quòd forisfacturæ & alia
 proficua inde provenientia liberentur per ex-
 tractos per dictum Cancellarium faciendos Ma-
 jori

jori & Ballivis dictæ villæ levanda per eos in auxilium firmæ suæ villæ prædictæ si & prout hætenus est optentum. Item, Concedimus eidem Universitati, quod Cancellarius ejusdem qui nunc est, & Successores sui, vel eorum Vice gerentes imperpetuum, soli & insolidum habeant potestatem inquirendi & cognoscendi de forstallatoribus & regratariis, Carnibus & Piscibus putridis, viciosis, & aliis incompetentibus in dictâ villâ *Oxon.* & suburbiis ejusdem, & super hiis punitionem debitam faciendi; sic tamen quod forisfacturæ & amerciamenta inde provenientia per ipsum Cancellarium adjudicentur, & Hospitali nostro Sancti *Johannis* dictæ villæ liberentur, prout est fieri consuetum. Et licet Major & Ballivi, Aldermanni seu alii homines dictæ villæ & suburbiorum ejusdem de præmissis se non debeant intromittere, volumus tamen & mandamus, quod super hiis omnibus & singulis Cancellarius dictæ Universitatis qui pro tempore fuerit, pareant humiliter & intendant. Item, ad terrorem & vindictam malorum, ac securitatem & solacium bonorum ibidem proficiencium ordinavimus & concessimus, pro nobis & Hæredibus nostris, quod Cancellarius dictæ Universitatis qui pro tempore fuerit, Scholares & Laicos ibidem, contra Statuta Universitatis arma portantes, & delinquentes, per incarcerationem & alias castigare debite valeat & punire, & arma quæ contra dicta Statuta portata fuerint, ut sibi commissæ & forisfactæ modo consueto possit capere & habere, ac hujusmodi delinquentes obstinatos seu rebelles coram dicto Cancellario in casibus ad cognitionem suam spectantibus comparere, & juri stare non curantes à dictis Universitate & villâ bannire, & alias contra eos pen censuras ecclesiasticas procedere, prout in casibus hujusmodi

huiusmodi consuetum est fieri temporibus retro-
actis. Item, Cùm ad dictam Universitatem
(ad quam tam nobilium quam popularium alie-
nigenarum & indigenarum multitudo confluit)
deceant munditia & honestas, volumus quòd
careriæ & vici dictæ villæ & suburbiorum ejus-
dem à fimis, sordibus, & fetoribus mundi confer-
rentur & honesti, amotis truncis, lignis, &
aliis pro transitu libero, honestati, & munditiæ
locuturis, & quòd pavimenta dictæ villæ & sub-
urbiorum ejusdem semper cùm & ubi opus fu-
erit, congruè reparentur, & quòd Cancellarius
dictæ Universitatis qui pro tempore fuerit, & e-
jus Vices gerens ad hoc homines dictæ villæ
& suburbiorum ejusdem, & alios quibus in-
umbit, quos eidem Cancellario, & ejus Vices
gerenti parere volumus in hac parte, possit per
censuras ecclesiasticas compellere absque profi-
cuius suis usibus applicando, & quòd prohibitio
nostra, seu Hæredum nostrorum, si contra præ-
missa facta fuerit, vires non habeat nec affectum.
Item, cùm Laici plerumque sicut Scholaribus
& eorum servientibus sint infesti, ordinamus,
concedimus, & hac Chartâ nostrâ confirmamus,
pro nobis & Hæredibus nostris, quòd cùm Mi-
nistri dictæ Universitatis & servientes Clerico-
rum ad quotam aliquam solvendam de bonis su-
is in villâ prædictâ & suburbiis ejusdem affidendi
erint, vel taxandi, Cancellarius dictæ Univer-
sitatis, vel ejus Vices gerens, & non Major, seu
homines dictæ villæ, dictos Ministros & Schola-
rum servientes, videlicet, Famulares, Scripto-
res, Luminatores, Pergamentarios, ad quotas
huiusmodi fideliter & rationabiliter prout alii
homines dictæ villæ & suburbiorum ejusdem, as-
sessi fuerint juxta quantitatem bonorum suorum
tributum, imperpetuum assideant atque taxent,
pecuniam sic assessam, per Ministros suos le-
vari

vari faciant, Majori & Ballivis dictæ Villæ per Indenturam liberandam : & si homines dictæ villæ de taxatione per prædictum Cancellarium malè factam conquesti fuerint, super hoc per ministros nostros celeriter inquiratur, & defectus qui repertus fuerit, debite corrigatur. Volumus autem & concedimus, quòd Cancellarii Universitatis prædictæ qui pro tempore erunt, & eorum Vices gerentes præmissis omnibus & singulis eis in formâ prædictâ concessis plenè, liberè, & integrè gaudeant & utantur juxta formam ordinationum & concessionum prædictarum, non obstantibus privilegiis, libertatibus, consuetudinibus, seu impositionibus contrariis quibuscunque. Item, Volentes indemnitati prospicere Scholarium qui fuerunt in dictâ turbatione de bonis suis deprædati, qui forsân timore irregularitatis non audent prosequi criminaliter contra deprædatores hujusmodi pro recuperatione bonorum suorum, sic furto vel vi ablatorum ; Concessimus de gratiâ nostrâ speciali pro nobis & Hæredibus nostris (quantum in nobis est) omnibus & singulis Magistris & Scholaribus dictæ Universitatis, & eorum Servientibus qui in dictâ turbatione bona sua sic furto vel vi amiservant, quòd ipse vel Cancellarius & Procuratores dictæ Universitatis eorum nomine absque inquietatione vel molestatione nostri, vel Hæredum nostrorum, seu Ministrorum nostrorum quorumcunque, bona sic furata vel deprædata à dictis furibus & deprædatoribus vel aliis quibuscunque, ad quorum manus hujusmodi res pervenerint, licite recipere & tenere possint, licet contra dictos fures vel raptores ad poenam sanguinis non fuerint prosecuti. Item, Ad majorem securitatem & quietem studentium in Universitate prædictâ perpetuo ordinamus & concedimus pro nobis & Hæredibus nostris, quòd quilibet Vicecomes

Oxon. qui pro tempore erit in receptione Commissionis suæ, juramentum præstet corporale, quòd Magistros & Scholares Universitatis *Oxon.* & eorum Servientes pro viribus ab injuriis & violentiis proteget & defendet, & pacem in Universitate prædictâ, quantum in ipso est, faciet conservari, præfatisque Cancellario & Scholaribus, ad puniendas perturbatores pacis ibidem juxta privilegia & statuta Universitatis prædictæ semper, cum opus fuerit, præstabit consilium & juvamen, & ad privilegia, libertates, & consuetudines dictæ Universitatis defendenda, pro viribus opem feret, & quòd à Subvicecomite suo & aliis ministris suis in Comitatu prædicto statim cum post susceptum officium ad castrum vel villam *Oxon.* declinaverit, in præsentia alicujus ex parte Universitatis ad hoc deputandi, consimile recipiet juramentum, ad quod ipsos ministros per eundem Vicecomitem compelli volumus & arctari: hanc etiam formam jurandi volumus ex nunc ad hanc formæ juramenti Vicecomitis dicti loci in receptione Commissionis suæ præstari consueti, ceterum quia super pœnis pro securiori conservatione pacis ipsius Universitatis statuend. ac super aliis quæ juxta submissiones prædictas ad perpetuam præmissorum memoriam piæ per Dei gratiam facere proponimus, jam ordinare non possumus variis & arduis negociis præpediti, ordinationem hujusmodi nobis specialiter reservamus: hiis testibus venerabilibus patribus *Johanne Archiepiscopo Ebor. Angliæ Primate Cancellario nostro, Will. Winton. Episcopo, Thesaur. nostro, Magistro Mich. de Northburgh Electo London. confirmato, Henr. Duce Lancastria, Will. Bohun Northampton, Rich. Arundel, Thoma de Willelmo Campo Warw. Rog. March, Will. Sarum, Johanne de Vere Oxon. Comitibus. Galfredo de Say, Johanne de Grey de Rotherfeld, Senescallo hospiti*

spiritui nostri, & aliis. Data per manum nostram apud Turrem *London.* xxvii die Junii, anno regni nostri *Anglia* xxix^o, regni vero nostri *Francia* xvi^o. Nos autem Concessionem, Ordinationem, & Confirmationem prædictas in omnibus & singulis quæ dictos Cancellarium, Magistros, Scholares & Universitatem duntaxat concernunt, ratas habentes, & gratas eas pro nobis & Hæredibus nostris, quantum in nobis est, præfatis Cancellario, Magistris, Scholaribus, & Universitati & Successoribus suis concedimus & confirmamus, sicut cartæ & literæ prædictæ rationabiliter testantur. Præterea ob specialem affectionem quam ad dictam Universitatem, nec non ad personas dilectorum clericorum nostrorum *Humfredi de Charleton* Cancellarii ejusdem Universitatis, & *Lodowici* fratris ejus gerimus & habemus; volentes eisdem Cancellario, Magistris, Scholaribus & Universitati, ut iidem Magistri & Scholares quietius in eadem Universitate morari & studere valeant, gratiam facere ampliore, concessimus eis, pro nobis & Hæredibus nostris, & hac cartâ nostrâ confirmavimus, quod licet prædicti Cancellarius, Magistri & Scholares Universitatis prædictæ, vel eorum Prædecessores libertatibus & quietantiis in dictis cartis & literis contentis, vel aliquâ earundem de aliquo casu emergente hætenus usi non fuerint, ipsi tamen & eorum Successores libertatibus & quietantiis illis & earum quâlibet in villâ *Oxon.* & suburbiis ejusdem sine occasione vel impedimento nostri, vel Hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque de cætero plenè gaudeant & utantur imperpetuum. Hiis testibus venerabilibus Patribus *Johanne* Archiepiscopo *Ebor.* *Anglia* Primate, Cancellario nostro, *Will. Winton.* Episcopo

piscopo, Thesaurario nostro, *Michael* Episcopo
London. Henrico Duce Lancastr. Will. de Bohun
Northampton. Ricardo Arundell, Rogero March,
Comitibus, Johanne de Charleton, Galfredo de Say,
Johanne de Gray, Senescallo hospitii nostri & aliis.
 Data per manum nostram apud *Westmon. xx^o*
 die *Novembris*, anno regni nostri *Anglia xxx^o.*
 regni verò nostri *Francia xvii^o.* Inspeximus e-
 tiam quasdam alias literas patentes ejusdem Avi
 nostri in hæc verba; *EDWARDUS* Dei gratiâ
 Rex *Anglia & Francia, & Dominus Hibernia,*
 omnibus ad quos præsentis literæ pervenerint,
 salutem. Inspeximus duas literas patentes in-
 dentatas sigillo communi Universitatis *Oxon.*
 ac sigillo dilecti & fidelis nostri *Richardi Damo-*
ry alternatim appositis, consignatas, unius te-
 noris & continentię subsequētis. Hæc Inden-
 tura testatur, quòd cùm inter Cancellarium, Ma-
 gistros & Scholares Universitatis *Oxon.* ex unâ
 parte, & Dominum *Richardum Damory* Mi-
 litem, filium & Hæredem Domini *Richardi*
Damory Militis, defuncti, tenentem de Domi-
 no Rege ad feodi firmam *Hundredum* extra por-
 tam borealem *Oxon.* ex alterâ, diversâ exactio-
 nes & clamea mota fuissent super jurisdictione,
 libertatibus & privilegiis ex alterutrâ parte in
 dicto *Hundredo* clamatis, videlicet super hoc,
 quòd dictus Dominus *Ricardus* clamat ibidem
 habere *Affaïam* & *Affisam* Panis, Vini, & Cer-
 visię, factæ de omnibus tenentibus & residen-
 tibus infra *Hundredum* illud, ac emendas de pu-
 nitionibus & correctionibus dictæ *Affisæ* fractæ
 provenientes levare & percipere se consuevisse, ac
 etiam clamat habere cognitiones placitorum in
 curiis suis ibidem de omnibus infra præcinctum
Hundredi illius emergentibus, & ad illud perti-
 nentibus, nec non amerciamenta ac alia profi-
 tua de hujusmodi placitis provenientia absque

ullo impedimento. Et super jurisdictione, libertatibus & privilegiis, quæ dicti Cancellarius, Magistri & Scholares, clamant habere in dicto Hundredo five Suburbio extra portam Borealem *Oxon.* videlicet, quòd dicti Cancellarius, Magistri & Scholares, clamant habere in dicto Hundredo five Suburbio, inquisitionem, correctionem, coercionem & punitionem, & perturbatorum pacis, & delinquentium contra statuta, consuetudines, & privilegia ipsius Universitatis per incarcerationem, bannitionem, censuras ecclesiasticas, & aliis modis fieri consuetis, infra dictam Villam & alia Suburbia ejusdem. Et similiter quòd dictus Cancellarius nostræ Universitatis in dicto Hundredo five Suburbio clamat habere cogniciones omnium causarum, contractuum & placitorum, rerum mobilium, injuriarum & transgressionum ubi Clericus vel alius de jurisdictione Universitatis fuerit una partium, deductis placitis de morte & mahemio. Et insuper quòd dicti Cancellarius, Magistri & Scholares, clamant habere in dicto hundredo five suburbio cognitionem, correctionem & punitionem forstallatorum & regratariorum, ac omnium venditorum & emptorum victualium ibidem contra privilegia Universitatis. Item, quòd dictus Cancellarius, vel ejus Vices gerens homines in dicto hundredo five suburbio commorantes, & alios quibus incumbit, clamat compellere ad vicos mundandos coram tenementis suis, & ad pavimenta reparanda quotiens & quando fuerit ibidem necesse. Item, quòd clamant dicti Cancellarius, Magistri & Scholares, habere taxationes domorum Scholarium in dicto Hundredo five Suburbio, & taxare vel affidere ministros dictæ Universitatis, & Servientes Clericorum, ac Stationarios, Pergamentarios, Luminatores, & Scriptores, quotiens & quando ad

quotam

quotam aliquam solvendam de bonis suis ibidem
 assidendi fuerint vel taxandi. Item quòd cla-
 mat Cancellarius dictæ Universitatis integram
 assisam & assaiam mensurarum & ponderum in
 dicto hundredo sive suburbio, sicut alibi in villâ
 prædictâ & aliis suburbiis ejusdem, ac cohercio-
 nem, correctionem, & punitionem delinquen-
 tium in eâ parte, cum emendis, finibus, amer-
 ciamenis, & proficuis aliis inde provenientibus.
 Et quòd clamat etiam dictus Dominus Cancellarius integram assisam & assaiam panis, vini, & cervisiæ in dicto hundredo sive suburbio æqualiter sicut alibi in villâ prædictâ & aliis suburbiis ejusdem, ac debitam correctionem & punitionem ejusdem, cum finibus, amerciamenis, & proficuis aliis inde provenientibus, super istis exac-
 tionibus & clameis prædictis, auditis & sufficien-
 ter intellectis rationibus & evidentiis hinc inde
 coram Domino Rege & Consilio suo, die Martis,
 proximo post festum translationis S. *Thomæ* Mar-
 tyris, anno regni sui, videlicet anno regni Regis
Edwardi tertii post conquestum, *Angliæ* xxx^o.
 & *Francia* xvii^o. per mediationem Domini *Jo-*
hannis Ebor. Archiepiscopi, Cancellar. *Angliæ*,
 & Domini *Willielmi Winton.* Episcop. *Thessaur.*
Angliæ, inter partes prædictas, in hunc modum
 concordatum fuit ex unanimi consensu partium
 prædictarum, si placeat Domino Regi, quòd
 dicti Cancellarius, Magistri & Scholares in
 perpetuum habeant jurisdictionem in dicto hun-
 dredo sive suburbio, si suburbium aliquod infra
 dictum hundredum fuerit, sive non, in citationi-
 bus, sequestriis, & aliis pertinent. jurisdictioni,
 in omnibus articulis infra script. videlicet, Quòd
 dicti Cancellarius, Magistri & Scholares in per-
 petuum habeant in dicto hundredo sive subur-
 bio, in formâ prædictâ, inquisitionem, cor-
 rectionem, cohercionem & punitionem pertur-
 batorum

batorum pacis, & convictorum super pacis perturbatione, seu delinquentium contra statuta, libertates, consuetudines vel privilegia dictæ Universitatis, ubi altera pars fuerit Clericus vel serviens Clerici, aut Minister Universitatis, seu stationarius, pergamenator, luminator, vel scriptor, per incarcerationem, bannitionem, censuras ecclesiasticas, & aliis modis fieri consuetis infra villam prædictam & alia suburbia ejusdem. Concordatum est unanimi consensu inter partes prædictas, & per ipsum Dominum *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, in perpetuum habeat in dicto hundredo, sive suburbio, cognitionem, agitationem & decisionem omnium causarum, contractuum, & placitorum, rerum mobilium, ac injuriarum & transgressionum, ubi Clericus, vel aliquis de suâ familiâ, vel serviens Clerici, seu minister Universitatis, bedellus, ac stationarius, pergamenator, luminator, vel scriptor fuerit una partium, deductis placitis de morte hominis & mahemio, & de libero tenemento. Item concessum est inter partes prædictas & per ipsum Dominum *Richardum*, quantum in eo est, concessum pro se & hæredibus suis, si placeat Domino Regi, quòd dictus Cancellarius qui pro tempore fuerit, vel ejus locum-tenens, & sui successores, in perpetuum habeant in dicto hundredo, sive suburbio, cognitionem de forstallatoribus & regratariis, ac omnibus venditoribus & emptoribus victualium ibidem contra privilegia Universitatis, de carnibus sive piscibus putridis & inmundis, viciosis, seu aliis incompetentibus, & vino putrido vel corrupto, & quibuscumque aliis victualibus ibidem minus bonis, ac plenam habeant potestatem debite puniendi delinquentes

linquentes in eâ parte, & forisfaciendi res sic emptas vel venditas contra privilegia Universitatis; ita tamen quòd res forisfactæ dentur Hospitali sancti *Johannis* extra portam orientalem *Oxon.* Item concordatum est inter partes prædictas, si placeat Domino Regi, quòd domus Scholarium infra dictum hundredum sive suburbium de quinquennio in quinquennium, vel infra, retaxentur, si Dominus domûs hoc petierit, aut inhabitantes, per eosdem taxatores per quos taxantur domus Scholarium infra dictam villam: Et etiam quòd cùm ministri dictæ Universitatis, & servientes Clericorum, aut stationarii, pergamentatores, luminatores vel scriptores; in dicto hundredo sive suburbio commorantes, ad quotam aliquam sive taxamentum solvendum de bonis suis ibidem affidendi fuerint vel taxandi, Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, & non alius, nec alii, eos fideliter & rationabiliter juxta quantitatem bonorum suorum taxabilium affideat atque taxet, & pecuniam sic assessam per ministros suos levare faciat, Collectoribus ibidem per indenturas liberandam. Item concordatum est inter partes prædictas, & per dictum Dominum *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, homines in dicto hundredo vel suburbio residentes, sive tenementum habentes, in perpetuum habeat per censuras ecclesiasticas, vel alio quovis modo, absque proficuo usibus applicando, compellere ad vicos mundandos coram tenementis suis à finis, scodibus, fætoribus, truncis, lignis, & aliis pro transitu libero, honestati & mundiciæ nocituris, & ad reparanda pavimenta ibidem quotiens & quando opus fuerit, in locis ibidem solitis

solitis paviari. Item concordatum est inter dictas partes, & per ipsum Dom. *Richardum* concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellar. dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, nomine Universitatis, in perpetuum habeat in dicto hundredo five suburbio, integrè assisam & assaiam mensurarum & ponderum, cum forisfacturis, finibus, amerciamentis, & aliis proficuis inde provenientibus, sed nichil habeat de lanis venditis & malè mensuratis, & quòd ipse Cancellarius, vel ejus vices gerens, quoties & quando opus fuerit, dicta mensuras & pondera supervideat, & ea quæ falsa invenerit comburi & destrui faciat, & alia legalia & justa deputet, & signari faciat; nec non transgressores, quos in hac parte invenerit, debitè puniat & castiget. Item concordatum est, & per ipsum Dominum *Richardum* specialiter concessum pro se & hæredibus suis, si placeat Domino Regi, quòd Cancellarius dictæ Universitatis qui pro tempore fuerit, vel ejus vices gerens, solus & in solidum, nomine Universitatis, in perpetuum habeat in dicto hundredo five suburbio, in formâ prædictâ, integrè assisam & assaiam panis, vini & cervisiæ, debitam correctionem & punitionem ejusdem assisæ fractæ, cum finibus, emendis, amerciamentis, & proficuis aliis inde provenientibus. Hiis omnibus & singulis præmissis, cum pertinentibus, modo & formâ prædictis, concordatum est unanimi consensu inter partes prædictas, & per ipsum dictum Dominum *Richardum* specialiter concessum pro se & hæredibus suis, si placeat Domino Regi, quòd dicta Universitas liberè & quietè, bene & in pace gaudeat in perpetuum, & ea habeat absque inquietatione, molestatione, seu contradictione quâcunque dicti Domini *Richardi*, vel hæredum suorum, per se aut per ballivos

ballivos seu ministros suos, vel alios quoscunque,
& absque hoc quod dictus Dominus *Richardus*,
vel hæredes sui, aut ballivi vel ministri sui, seu
alii nomine suo vel hæredum suorum, in dicto
hundredo sive suburbio, in formâ prædictâ, de
aliquo præmissorum, se aliqualiter intromit-
tant: Et licet dictus Dominus *Richardus*, vel
hæredes sui, non debeant, per se nec per suos,
intromittere de aliquo præmissorum; vult ta-
men ipse pro se & hæredibus suis, quod omnes
in dicto hundredo sive suburbio, ut dictum est,
residentes, super hiis omnibus & singulis Can-
cellario dictæ Universitatis qui pro tempore
erit, pareant humiliter & intendant, salvis dicto
Domino *Richardo*, & hæredibus suis, omnibus
aliis juribus dicto hundredo sive dominio suo ibi-
dem pertinentibus. In cujus rei testimonium
uni parti hujus Indenturæ penes dictos Cancel-
larium, Magistros & Scholares residenti, dictus
Dominus *Richardus* sigillum suum apposuit; al-
teri verò parti penes dictum Dominum *Richar-*
dum residenti sigillum commune dictæ Universi-
tatis est appensum. Hiis testibus, venerabilibus
patribus, Domino *Johanne* Dei gratiâ Archie-
piscopo *Ebor. Angliæ* Primate, & Cancellario;
Willielmo Dei gratiâ *Wintoniæ* Episcopo, *Angliæ*
Thessaurario prædictis; Domino *Johanne de*
Wynwyk, Clerico Sigilli Privati; Dominis, *Wil-*
lielmo de Sharehill, *Roberto de Thorpe*, *Richardo*
de Willughby, *Henrico de Grene*, Militibus ac Ju-
sticiariis Domini Regis, & aliis. Dat. apud
Westm. die & anno supradictis. Nos autem,
qui ad dictam Universitatem, quæ velut vitis
habundans per exercitium liberalis scientiæ in-
numeros produxit palmites fructuosos, viros vi-
delicet providos & discretos, qui sicut nonellæ
olivarum frondentes & fæcundantes in fructum,
nedum regnum nostrum *Angliæ*, sed orbem ter-
rarum

rarum in circuitu intellectûs & sapientiæ dulcedine repleverunt, privilegio dilectionis afficimur, considerantes concordiam inter partes prædictas factam, ut præmittitur, quietem & commodum ipsius Universitatis respicere, & viam dampnis & periculis præcludere, quæ ex dissensione præscripta, si durasset, timebantur verisimiliter provenisse, dictam proinde concordiam de licentiâ nostrâ speciali factam, concorditer acceptamus & approbamus, & ipsam, ac omnia & singula contenta in Indenturâ prædictâ, quatenus ad nos attinet, mero motu & ex certâ scientiâ confirmamus: Et ad majorem roboris firmitatem volumus & concedimus pro nobis & hæredibus nostris, quod Cancellarius, Magistri & Scholares Universitatis prædictæ, qui nunc sunt, vel qui pro tempore erunt, habeant, teneant & exercent omnia & singula contenta in Indenturâ prædictâ, infra suburbium & hundredum prædicta, juxta formam & concessionem præfati *Richardi* superius annotatam, liberè, pacificè, & quietè, ac in perpetuum, sine inquietatione nostri & hæredum nostrorum, seu ministrorum nostrorum quorumcunque; non obstante quod idem *Richardus* dictum hundredum, ad quod aliqua sic per ipsum *Richardum* concessa prætenduntur competere, de nobis tenere in capite dinoscatur. Juribus aliis eidem *Richardo* & hæredibus suis, ratione hundredi prædicti competentibus, in omnibus semper salvis. In cujus rei testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud *Westmonasterium* decimo sexto die Julii, anno regni nostri *Angliæ* tricesimo, regni verò nostri *Francia* decimo septimo. Inspeximus insuper quasdam alias Literas Patentes ejusdem Avi nostri, in hæc verba: EDWARDUS Dei gratiâ Rex *Angliæ* & *Francia*, & Dominus

Hiber-

Hibernia, universis & singulis Justiciariis, Vicecomitibus, Ministris, & aliis Ballivis & fidelibus suis, ad quæcunque Officia in Comitatu *Oxon.* infra libertates & extra, exequenda & facienda assignatis & assignandis, ad quos præsentēs literæ pervenerint, salutem. Sciatis quòd cum per cartam nostram, de gratiâ nostrâ speciali inter alia concessum sit pro nobis & hæredibus nostris, Cancellario Universitatis *Oxon.* quòd ipse & successores sui, & eorum vices gerentes, in perpetuum habeant custodiam assisæ panis, vini & cervisiæ, ac correctionem & punitionem ejusdem, cum finibus, amerciamentis, & proficiis aliis provenientibus in hac parte; reddendo nobis & hæredibus nostris centum solidos annuatim, videlicet, quinquaginta solidos ad Scaccarium nostrum sancti *Michaelis*, & quinquaginta solidos ad Scaccarium nostrum *Pascha*: Ac etiam quòd idem Cancellarius, solus & in solidum, ac successores sui, vel eorum vices gerentes, in perpetuum habeant custodiam assisæ & assisæ, ac supervisum mensurarum & ponderum in dictâ villâ *Oxon.* & suburbiis ejusdem; ita quòd ipse Cancellarius vel ejus vices gerens, quotiens opus fuerit, dictas mensuras & pondera supervideat, & ea quæ falsa invenerit comburi & destrui faciat, & alia legalia & justa deputet & consignari faciat, necnon transgressores quos in hac parte invenerit, debitè puniat & castiget. Ita tamen quòd forisfacturæ & alia proficua inde provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori & Ballivis dictæ villæ, levand. per eos in auxilium firmæ suæ villæ prædictæ, si & prout hætenus est optentum; & quòd Clericus mercati se in præsentia nostrâ vel hæredum nostrorum de cætero non intromittat infra Burgum illum aut suburbia ejusdem, de officio suo exercendo, de aliquâ

quâ re eundem Burgum vel suburbia tangente. Et etiam concessum existat eidem Universitati, quòd Cancellarius ejusdem qui nunc est, & successores sui, vel eorum vices gerentes, in perpetuum, soli & in solidum, habeant potestatem inquirendi & cognoscendi de forstallatoribus & regratariis, carnibus & piscibus putridis, viciosis, & aliis incompetentibus, & super hiis punitionem debitam faciendi; sic tamen quòd forisfacturæ & amerciamenta inde provenientia per ipsum Cancellarium adjudicentur & hospitali nostro sancti *Johannis* dictæ villæ liberentur, prout est fieri consuetum; & quòd licet Major, Ballivi, Aldermanni, seu alii homines dictæ villæ & suburbiorum ejusdem, de præmissis non debeant se intromittere, ipsi tamen Major, Ballivi, Aldermanni, & alii homines prædicti, super hiis omnibus & singulis, Cancellario dictæ Universitatis qui pro tempore fuerit, pareant humiliter & intendant, prout in cartâ nostrâ prædictâ plenius continetur. Nos, ut præmissa sic per nos concessa notitiæ vestræ plenius manifestentur, ea vobis duximus testificanda, per præsentem vobis & cuilibet vestrûm districtè demandantes, quòd præsentem testificationem nostrâ coram vobis cum opus fuerit ostensâ, & per vos inspectâ, quam penes dictum Cancellarium ex certis causis remanere volumus, receptâque inde penes vos quâdam copiâ, si vobis videatur expedire, dictum Cancellarium libertatibus prædictis plenè uti & gaudere, & ipsum vel ejus vices gerentem, solum & in solidum, executionem de præmissis, prout prætenduntur, in dictis villâ & suburiis, absque impedimento aliquo facere permittatis, juxta tenorem concessionum nostrarum prædictarum, vos inde in aliquo infraeandem villam & suburbia nullatenus intromittentes contra tenorem concessionum earundem.

Teste

Teste Meipso apud *Westm.* x^o die Januar. Anno Regni nostri *Anglia* xxxii^o. Regni verò nostri *Francia* xix^o. Nos autem Concessionēs, Ordinationes, Libertates, Jurisdictiones, Confirmationes, & omnia & singula in Cartâ & Literis prædictis contenta quatinus dictos Cancellar. Magistros, Scholares, & Universitatem *Oxon.* duntaxat concernent' rata habentes & gesta ea pro Nobis & Hæredibus nostris, (quantum in Nobis est) & nobis dilectis nunc Cancellario, Magistris & Scholaribus dictæ Universitatis, & eorum Successoribus in perpetuum ibidem commorantibus & commoraturis de gratiâ nostrâ speciali, ac de assensu Concilii nostri approbamus, ratificamus & tenore præsentium concedimus & confirmamus, sicut Carta & Literæ prædictæ rationabiliter testantur. Prætereà ex uberiori gratiâ nostrâ de assensu Concilii nostri concessimus pro Nobis & Hæredibus nostris, & hac Cartâ nostrâ confirmavimus, quod licet iudem Cancellarius, Magistri & Scholares, vel eorum Prædecessores Libertatibus, Quietanciis, Privilegiis & Jurisdictionibus, in Cartâ & Literis prædictis contentis vel aliqua eorundem aliquo casu emergente hætenus plenè usi non fuerint, ipsi tamen & eorum Successores omnibus & singulis Libertatibus, Quietanciis, Jurisdictionibus & Privilegiis prædictis (sicut prædictum est) concessis absque Impedimento nostri, vel Hæredum nostrorum Justiciariorum, Escaetorum, Vice-Com. aut aliorum Ballivorum seu Ministrorum nostrorum quorumcunque exnunc plenè gaudeant & utantur imperpetuum. His Testibus venerabilibus Patribus *S. Cantuar.* Archiepiscopo totius *Anglia* Primate, *A. Menevensi* Cancellar. *Thomâ Exon.* Thesaurar. nostris, *Thomâ Karl.* & *R. Sarum*, Episcopis; *Johanne Rege Castelli* & *Legionis Duce Lancast.* *Edmundo Com. Cantebrieg.*

Avunculis nostris carissimis, *Edmundo de Mortuo Mari March. Ricardo Arundell & Wilhelmo de Monte acuto Sarum Com. Henrico le Scroop, Ricardo de Stafford, Nicolao le Scroop Seneschallo Hospitii nostri, & aliis.* Dat. per manum nostram apud *Westm.* xx^o die *Julii*, anno Regni nostri secundo. Inspeximus etiam quandam aliam Cartam quam prædictus nuper Rex *Ricardus* Dei Gratiâ Rex *Anglia & Francia, & Dominus Hibernia,* Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Com. Baronibus, Justiciar. Vice-Com. Præpositis, Majoribus, Ballivis, Ministris & omnibus aliis fidelibus suis, Salutem. Sciatis quòd de gratiâ nostrâ speciali & pro quiete, salvatione & augmentatione Universitas *Oxon.* concessimus & hâc cartâ nostrâ confirmavimus pro Nobis, & Hæredibus nostris Cancellar. & Scolar. dictæ Universitatis, quòd ipsi & Successores sui imperpetuum habeant privilegia & libertates subscript. viz. quòd Cancellar. prædictæ Universitatis & Successores sui & eorum Commissarii & Locum-tenentes coram seipsis imperpetuum habeant Cognitionem omnimodorum Placitorum personalium tam debitorum, computorum, & quorumcunque aliorum contractuum & injuriarum quàm transgressionum contra pacem & misprisionum & omnium aliarum actionum personalium infra Villam *Oxon.* & Suburbia ejusdem, & alia loca quæcunque infra præcinctum Universitatis prædictæ factorum (Felonîâ & Mahemio duntaxat exceptis) ubi Magister vel Scolari, aut Serviens Magistris, aut Scolari, aut communis Minister vel aliqua quæcunque persona quæ aliquibus privilegiorum vel libertatum dictæ Universitatis gaudere debeat, quos prædictus Cancellarius vel Successores sui aut eorum Commissarii sive Locum-tenentes pro talibus calumpniare

lumpniare voluerint, est vel erit una partium tam de hujusmodi placitis jam pendentibus in quâcunque placeâ existat, quàm pro tempore futuro incipiend' & hujusmodi placita teneant in quocunque loco infra Villam prædictam & Suburbia ejusdem, & in aliis locis quibuscunque infra præcinctum prædictæ Universitatis eis placuerint, & inde executionem secundum eorum leges & consuetudines, vel per legem Regni nostri ad voluntatem prædicti Cancellarii & Successorum, Commissariorum seu Locum-tenentium suorum faciant, & de hujusmodi transgressionibus tam *ex officio* quàm ad *sectam partis* per Scholares & Laicas gentes ejusdem villæ & per alios inquirent, & omnia hujusmodi placita coram dicto Cancellario, & Successoribus suis, eorumve Commissariis, sive Locum-tenentibus in formâ prædictâ audiant & terminent, & Transgressores contra pacem inventos culpabiles per incarcerationem vel alio modo rationabili debite castigent, & quòd tam Justiciarii ad placita coram Nobis & Hæredibus nostris tenend' assignati & assignandi, ac Justiciarii nostri & Hæredum nostrorum tam de communi Banco quàm alii Judices quicunque in præsentia vel absentia nostra & Hæredum nostrorum præfato Cancellario & Successoribus suis, ac eorum Commissariis & Locum-tenentibus de omnimodis placitis prædictis faciant allocationem sine difficultate vel impedimento quocunque: Et quòd nullus Justiciarius sive Judex in præsentia vel absentia nostra seu Hæredum nostrorum, Vice-comes, Major, Ballivus, seu alius Minister quicunque de hujusmodi placitis vel aliquibus eorundem se intromittat, nec partem ad respondend' inde committat, sed quòd pars illa coram dicto Cancellario & Successoribus suis, & eorum Commissariis, sive Locum-tenentibus, inde solum-

modo castigetur & puniatur in formâ prædictâ : Et quòd idem Cancellarius & Successores sui ac eorum Commissar. sive Locum-tenent. supradicti imperpetuum executionem de universis personis coram seipsis de huiusmodi Transgressionibus & Misprisionibus convictis, & aliis manutenentibus fieri, & Transgressores infra Castrum nostrum *Oxon.* & alibi in dictâ Villâ & Suburbis ejusdem juxta discretionem suam imprisonari faciant. Et quòd Vice-Comes *Oxon.* seu Custos Castri prædicti aut Major & Ballivi Villæ prædictæ pro tempore existentes huiusmodi Transgressionibus ad Ordinationem & Mandatum prædicti Cancellarii & Successorum suorum, ac eorum Commissariorum & Locum-tenentium recipere, custodire, & deliberare teneantur : Hiis Testibus Venerabilibus *R. London,* *W. Winton,* Cancellario nostro, & *W. Dunelmensi* Episcopis, carissimo Avunculo nostro *Johanne Duce Aquitan.* & *Lancast. Ric. Arundell,* Thomâ de Bello Campo, *Warwick,* & carissimo Fratre nostro *Johanne de Holland,* *Huntingdon,* Comitibus ; *Johanne Devereux* Seneschallo Hospitii, *Johanne de Cobham,* Magistro *Edmundo de Stafford* Custode privati Sigilli, & aliis. Dat. per manum nostram apud *Westm.* 15^o die *Julii*, anno regni nostri 14^o. Nos autem Concessionibus, Ordinationibus, Libertatibus, Jurisdictionibus, Privilegiis, Concordiis, & Confirmationibus prædictis. quatinus dictos Cancellarios, Magistros, Scholares & Universitatem *Oxon.* duntaxat concernunt, rata habentes & gesta ea pro Nobis & Hæredibus nostris (quantum in Nobis est) acceptamus, approbamus, & ea dilectis nobis nunc Cancellario, Magistris & Scolariis Universitatis prædictæ & eorum Successoribus, de Gratiâ nostrâ specialiter concedimus & confirmamus, prout Cartæ & Litteræ prædictæ rationabiliter testantur. Præ-

rea volentes præfatis Cancellario, Magistris & Scolaribus gratiam facere in hæc parte uberio-
rem, concessimus pro Nobis & Hæredibus nostris,
& hæc Cartâ nostrâ confirmavimus eisdem Can-
cellario, Magistris & Scolaribus, & eorum Suc-
cessoribus, Quòd licet ipsi vel eorum Prædeces-
sores aliquo vel aliquibus Libertatum, Quietan-
tiarum, Privilegiorum & Jurisdictionum in Car-
tis & Literis prædictis contentorum aliquo casu
emergente hætenus plenè usi non fuerint, iidem
tamen Cancellar. Magistri & Scholares, & eorum
Successores, Libertatibus, Quietantiis, Privile-
giis, & Jurisdictionibus illis, & eorum quolibet
exinde plenè gaudeant & utantur in perpetuum
sine impedimento nostri vel Hæredum nostro-
rum, Justiciariorum, Escaetorum, Vice-Com.
aut aliorum Ballivorum seu Ministrorum nostro-
rum, vel Hæredum nostrorum quorumcunque.
Hiis Testibus Venerabilibus Patribus *T. Cantuar.*
totius *Angliæ* Primate, *R. Ebor. Angliæ* Primate,
Archiepiscopis, *R. London, W. Winton. J. Elien.*
Episcopis; *Edmundo* Duce *Ebor.* Avunculo no-
stro carissimo, *Henrico de Percy Northumb.* Con-
stabular. *Angliæ, Ric. de Nevill* Camerario, &c.
& aliis. Dat. per manum nostram apud *Westm.*
xx. die *Novemb.* anno regni nostri primo. In-
speximus etiam quandam Cartam ejusdem patris
nostri similiter factam in hæc verba. *HENRI-*
cus, Dei Gratiâ, Rex *Angliæ & Francia*, &
Dominus *Hiberniæ*, Archiepiscopis, Episcopis,
Abbatibus, Prioribus, Ducibus, Comitibus, Ba-
ronibus, Militibus, Justiciar. Vice-Com. Præ-
positis, Ballivis, Ministris, & aliis fidelibus suis,
Salutem. Sciatis, quòd cum Dominus *Ricardus*
nuper Rex *Angliæ* Secundus post Conquestum,
Prædecessor noster, per Cartam suam quàm per
Cartam nostram, cum Clausulâ *licet confirmavi-*
mus, concesserit dilectis sibi in Christo Cancellario

rio & Scolaribus Universitatis *Oxon.* quòd Cancellarius ejusdem Universitatis, & Successores sui & eorum Commissarii ac Locum-tenentes coram seipsis imperpetuum habeant Cognitionem tam omnimodorum Placitorum Personarum, Debitorum, Computorum, & quorumcunque aliorum Contractuum & Injuriarum, quàm Transgressionum contra Pacem, & Misprisionum, & omnium aliarum actionum personarum infra Villam *Oxon.* & Suburbia ejusdem, & alia loca quaecunque infra præinctum Universitatis prædictæ factorum, (Feloniam & Mahemio duntaxat exceptis) ubi Magister vel Scola-
 ris, vel Serviens Magistri, vel Scola-
 ris, aut communis Minister, vel aliqua quaecunq; persona, quæ aliquibus Privilegiorum vel Libertatum dictæ Universitatis gaudere debeat, quos prædictus Cancellarius vel Successores sui aut eorum Commissarii sive Locum-tenentes pro talibus calumpniare voluerint, est vel erit una partium tam de hujusmodi placitis tunc pendentibus in quacunq; placeâ extiterint, quàm ex nunc incipiend. & hujusmodi placita teneant in quocunq; loco infra villam prædictam & suburbia ejusdem, & in aliis lotis quibuscunq; infra præinctum prædictæ Universitatis eis placuerint, & indè Executionem secundum eorum leges & consuetudines, vel legem Regni nostri ad voluntatem prædicti Cancellarii & Successorum suorum, Commissariorum seu Locum-tenentium suorum faciant, & de hujusmodi Transgressionibus tam *ex Officio* quàm *ad sectam partis* per Scholares & Laicas gentes ejusdem villæ & per alios inquirent; & omnia hujusmodi placita coram dicto Cancellario & Successoribus suis eorum Commissariis seu Locum-tenentibus in formâ prædictâ audiant & terminent; & Transgressores contra pacem inventos

ventos culpabiles per incarcerationem, vel alio modo rationabili debite castigent: Et quod tam Justiciarii ad placita coram ipso *Ricardo* nuper Rege & Hæredibus suis tenend' assignati & assignandi, ac Justiciarii sui ac Hæredum suorum tam de communi Banco quam alii Judices quicunq; in præsentia & absentia ejusdem *Ricardi* nuper Regis & Hæredum suorum præfatis Cancellario, & Successoribus suis aut eorum Commissariis, & Locum-tenantibus de omnimodis Placitis supradictis faciant allocationem sine difficultate, vel impedimento quocunq; & quod nullus Justic. sive Judex in præsentia, vel absentia ipsius *Ricardi* nuper Regis seu Hæredum suorum, Vice-Comes, Major, Ballivus, seu alius Minister quicunq; de hujusmodi placitis vel aliquibus eorundem se intromittat, nec partem ad respondendum inde coram ipsis ponat; sed quod pars illa coram dicto Cancellario, & Successoribus suis, eorum Commissariis sive Locum-tenantibus inde solummodo castigetur & puniatur in forma prædict. Et quod idem Cancellarius, & Successores sui, eorum Commissarii sive Locum-tenentes supradicti imperpetuum executionem de universis personis coram seipsis de hujusmodi Transgressionibus & Misprisionibus convictis, & aliis manutenentibus fieri, & Transgressores infra Castrum nostrum Oxon. & alibi in dictâ Villâ & Suburbis ejusdem juxta discretionem suam imprisonari faciant; & quod Vice-Comes Oxon. seu Custos Castri prædicti, aut Major & Ballivi villæ prædictæ pro tempore existentes hujusmodi Transgressores ad Ordinationem & Mandatum prædicti Cancellar. & Successorum suorum, ac eorum Commissar. sive Locum-tenantium recipere, custodire, & deliberare teneantur prout in cartis & confirmatione prædictis plenius continetur. Jamq; dilecti nobis

rio & Scolaribus Universitatis *Oxon.* quòd Cancellarius ejusdem Universitatis, & Successores sui & eorum Commissarii ac Locum-tenentes coram seipsis imperpetuum habeant Cognitionem tam omnimodorum Placitorum Personaliū, Debitorum, Computorum, & quorumcunque aliorum Contractuum & Injuriarum, quàm Transgressionum contra Pacem, & Misprisionum, & omnium aliarum actionum personaliū infra Villam *Oxon.* & Suburbia ejusdem, & alia loca quæcunque infra præinctum Universitatis prædictæ factorum, (Feloniam & Mahemio duntaxat exceptis) ubi Magister vel Scola-
 ris, vel Serviens Magistri, vel Scola-
 ris, aut communis Minister, vel aliqua quæcunq; per-
 sona, quæ aliquibus Privilegiorum vel Liberta-
 tum dictæ Universitatis gaudere debeat, quos prædictus Cancellarius vel Successores sui aut eorum Commissarii sive Locum-tenentes pro talibus calumpniare voluerint, est vel erit una partium tam de hujusmodi placitis tunc penden-
 tibus in quâcunq; placeâ extiterint, quàm ex nunc incipiend. & hujusmodi placita teneant in quocunq; loco infra villam prædictam & subur-
 bia ejusdem, & in aliis lotis quibuscunq; infra præinctum prædictæ Universitatis eis placue-
 rint, & indè Executionem secundum eorum le-
 ges & consuetudines, vel legem Regni no-
 stri ad voluntatem prædicti Cancellarii & Successorum suorum, Commissariorum seu Lo-
 cum-tenentium suorum faciant, & de hujus-
 modi Transgressionibus tam *ex Officio* quàm *ad sectam partis* per Scholares & Laicas gentes ejusdem villæ & per alios inquirent; & omnia hujusmodi placita coram dicto Cancellario & Successoribus suis eorum Commissariis seu Locum-tenentibus in formâ prædictâ audiant & terminent; & Transgressores contra pacem in-
 ventos

ventos culpabiles per incarcerationem, vel alio modo rationabili debite castigent: Et quod tam Justiciarii ad placita coram ipso *Ricardo* nuper Rege & Hæredibus suis tenend' assignati & assignandi, ac Justiciarii sui ac Hæredum suorum tam de communi Banco quàm alii Judices quicunq; in præsentia & absentia ejusdem *Ricardi* nuper Regis & Hæredum suorum præfatis Cancellario, & Suecessoribus suis aut eorum Commissariis, & Locum-tenentibus de omnimodis Placitis supradictis faciant allocationem sine difficultate, vel impedimento quocunq; & quod nullus Justic. sive Judex in præsentia, vel absentia ipsius *Ricardi* nuper Regis seu Hæredum suorum, Vice-Comes, Major, Ballivus, seu alius Minister quicunq; de hujusmodi placitis vel aliquibus eorundem se intromittat, nec partem ad respondendum inde coram ipsis ponat; sed quod pars illa coram dicto Cancellario, & Suecessoribus suis, eorum Commissariis sive Locum-tenentibus inde solummodo castigetur & puniatur in formâ prædictâ. Et quod idem Cancellarius, & Suecessores sui, eorum Commissarii sive Locum-tenentes supradicti imperpetuum executionem de universis personis coram seipsis de hujusmodi Transgressionibus & Misprisionibus convictis, & aliis manutinentibus fieri, & Transgressores infra Castrum nostrum Oxon. & alibi in dictâ Villâ & Suburbis ejusdem juxta discretionem suam imprisonari faciant; & quod Vice-Comes Oxon. seu Custos Castri prædicti, aut Major & Ballivi villæ prædictæ pro tempore existentes hujusmodi Transgressores ad Ordinationem & Mandatum prædicti Cancellar. & Suecessorum suorum, ac eorum Commissar. sive Locum-tenentium recipere, custodire, & deliberare teneantur prout in cartis & confirmatione prædictis plenius continetur. Jamq; dilecti nobis

in Christo nunc Cancellar. & Scholares Universitatis prædictæ nobis supplicaverunt, ut cum ipsi pro eo quod præcinctus villæ prædictæ per certas Metas & Bundas in speciali in dictis cartis & confirmatione non limitantur; ac insuper pro eo quod diversa de Libertatibus & Privilegiis prædictis sub verbis generalibus conceduntur, sapius fuerunt, & sunt indies impediti quominus ipsi Libertatibus & Privilegiis illis juxta piam intentionem ipsius nuper Regis uti possint & gaudere, velimus pro majore securitate & quiete prædictorum Cancellar. & Sclarium ac Successorum suorum, & Ambiguitatibus, & Controversiis, in hac parte delendis in futurum gratiosius providere; Nos ob Dei reverentiam ac in Universitate prædictâ studentium augmentum & multiplicationem in futurum, nec non ob specialem & internam affectionem quam ad personam dilecti nobis in Christo *Petri Remyngdon* Abbatis *Leicestria* & Chancellarii Universitatis prædictæ suis exigentibus meritis, & obsequiis gerimus & habemus, de gratiâ nostrâ speciali, volumus, concessimus, & hanc præsentem cartâ nostrâ declaramus, & confirmamus pro nobis, & Hæredibus nostris (quantum in nobis est) quod præcinctus Universitatis prædictæ limitetur, fiat, sit, & se extendat ab orientali parte ejusdem villæ usq; ad *Hospitale S. Bartholomæi* juxta Oxon. & ab occidentali parte ejusdem villæ usque ad villam de *Botley*, & à parte Boreali ejusdem villæ usq; ad Pontem vocat. *Godstowbrygge*, & ab Australi parte ejusdem villæ usq; ad quendam Boscum vocat. *Bageley*, & sic in Circuitu per loca prædicta & quemlibet locum eorundem imperpetuum Aceciam volumus, concessimus, & hanc præsentem cartâ nostrâ confirmavimus pro nobis & Hæredibus nostris prædictis (quantum in nobis est) quod prædictus

dictus Cancellarius & Successores sui ac eorum
 Commissarii & Locum-tenentes, omnia & sin-
 gula Libertates & Privilegia prædicta tam in
 præsentia quam in absentia nostra & Hæredum
 nostrorum infra huiusmodi præcinctum dictæ
 Universitatis per nos sic factum & limitatum
 imperpetuum habeant & teneant, ac eis & eorum
 quolibet plenè gaudeant & utantur. Et quòd
 idem Cancellarius & Successores sui ac eorum
 Commissar. & Locum-tenentes tam in præsentia
 quam in absentia nostra & Hæredum nostrorum
 tam de huiusmodi Transgressionibus & Mispri-
 sionibus, quàm de Extortionibus, Ignoranciis, P. 210.
 Negligenciis, Excessibus, Conspirationibus, Con-
 fæderationibus, Campipartitis, Ambidextris,
 Manutenenciis, falsis Alliganciis, Nocumentis,
 Forstallariis, Reqratariis, ac omnibus aliis arti-
 culis itineris quæ poterunt cadere in finem vel re-
 demptionem, seu in aliam pœnam Pecuniariam, ac
 aliis Contractibus, Placitis & Querelis persona-
 libus & aliis Causis & Materiis quibuscunq; quo-
 cunq; nomine censeantur seu censi poterunt,
 licet tangant nos vel Hæredes nostros, seu Mi-
 nistros nostros quoscunq; (Feloniam & Mahemio
 ac Affisis, & placitis de libero Tenemento dun-
 taxat exceptis) infra dictam villam Oxon. ac
 Suburbia & Præcinctum prædict. qualitercunq;
 emergentibus, factis sive perpetratis, aut faci-
 endis sive perpetrandis tam *ex Officio* seu ad
 sectam nostram & Hæredum nostrorum, quàm
 ad *sectam partis*, vel alio modo quocunq; ubi
 Magister, vel Scholaris, seu servientes Magistro-
 rum & Scolariū, vel aliqua alia persona, quæ
 aliquibus privilegiorum, vel libertatum dictæ U-
 niversitatis gaudere debeat, quos prædict. Cancel-
 larius vel Successores sui aut eorum Commissar. sive
 Locum-tenentes pro talibus calumpniare volue-
 rint, est vel erit una partium per Scholares &
 Laicas

Laicas gentes ejusdem villæ Oxon. & per alios inquirant & inquirere possint, & plenam cognitionem & correctionem inde habeant, & hujusmodi placita, querelas, causas & materias teneant in quocunq; loco infra dictam villam Oxon. aut Suburbia, vel præcinctum ejusdem eis placuerit, & executionem inde secundum eorum leges & consuetudines, vel secundum legem Regni nostri *Anglia* ad voluntatem prædicti Cancellar. & Successor. suorum, Commissar. & Locum-tenentium suorum faciant, ac omnes & singulas Materias, Querelas, Causas & Articulos hujusmodi (exceptis præ-exceptis) audiant & terminent; & omnimoda Amerciamenta, Exitus, & Proficua inde provenientia ad commodum & utilitatem totius Universitatis prædictæ habeant, levent, & percipiant per se & Deputatos suos imperpetuum. Ita quod nullus Justic. ad placita coram nobis, vel Hæredibus nostris tenend. assignatus, vel assignand. Justic. de Com. Banco, Justic. ad Assisas capiend. vel Goalas deliberand. vel Custodes pacis, vel Justic. servientium, Laboratorum & Artificum seu alii Justic. vel Judices quicunq; Senescallus, vel Marescallus, vel Clericus Mercati Hospitii nostri, vel Hæredum nostrorum, Vice-Comes, Major, Ballivus, seu alius Officiarius, vel Minister noster, vel Hæredum nostrorum quicunq; de hujusmodi placitis, querelis, contractibus, articulis, causis, materiis vel aliis rebus prædictis seu eorum aliquo (exceptis præ-exceptis) infra dictam villam Oxon. aut suburbia seu præcinctum ejusdem factis, vel faciend. in præsentia nec absentia nostri, vel heredum nostrorum se in aliquo non intromittant. Et si iidem Justic. aut alii ministri prædicti seu eorum aliqui in præsentia, vel absentia nostra, vel Here-

dum nostrorum super aliquibus premissis exceptis pre-exceptis inquirere, seu aliququaliter cognoscere, vel se intromittere præsumpserint in futurum: lidem Justic. ac alii Ministri & Officiarii prædicti. ad certificationem, notificationem seu significationem Cancellar. Universitatis prædictæ qui pro tempore fuerit, aut ejus Commissar. sive Locum-tenentis inquisitionibus, & cognitionibus hujusmodi, & cuicunq; processui, & executioni indè qualitercunq; faciend. omnia supersedeant, & se indè ulterius in aliquo nullatenus intromittant. Et præterea cum inter cætera Libertates & Privilegia Cancellar. & Scolar. Universitatis prædictæ per cartas progenitorum nostrorum quondam Regum *Angliæ*, quas per cartam nostram prædictam confirmavimus, concessas, concessum sit eisdem, quòd iidem Cancellar. imperpetuum habeant Custodiam Assisæ panis, vini, & Cervisæ, ac correctionem & punitionem ejusdem, infra dictam villam Oxon. & Suburbia ejusdem, cum Finibus, Americamentis, & aliis proficuis provenientibus in hac parte, *reddendo* præfatis progenitoribus nostris & Hæredibus suis 100 Solidos annuatim. Nos volentes præfatis Cancellario & Scholaribus gratiam in hac parte facere amplio-rem, de gratiâ nostrâ speciali dedimus, concessimus, & remissimus, ac relaxavimus pro nobis & Hæredibus nostris prædictis (quantum in nobis est) præfatis Cancellar. & Scholar. & Successoribus suis prædictos 100 Solidos nobis & Hæredibus nostris sic (ut præmittitur) annuatim reddendos, habend. & percipiend. eisdem Cancellar. & Scholar. & Successoribus suis ad communem utilitatem Universitatis prædictæ imperpetuum. Ita quòd ipsi & Successores sui nobis & Hæredibus nostris pro hujusmodi Custodiâ & punitione unum denarium dun-

Fig. 211.

duntaxat absq; plur. ad Festum *Sancti Michaelis* singulis annis de cætero solvent, & reddant imperpetuum. Hiis Testibus Venerabilibus Patribus *Thomâ*, Archiepiscopo *Cantuar.* totius *Anglia* Primate, *R. London, W. Winton, H. Lincoln*, fratre nostro carissimo *J. Hereford, E. Exon* Cancellario nostro Episcopis, *Edmundo Duce Ebor.* Avunculo nostro carissimo, *Edwardo Roteland, Joanne de Beaufort*, fratre nostro *Somerset, Henrico Percy Northumb. R. de Nevill Westmorl. Thomâ de Percy Wigorn.* Seneschallo Hospitii nostri Comitibus, *Johanne de Norbury*, Thesaurar. nostro, *Johanne Grey de Codenore, Reginald. de Gray de Ruthyn, Magistro Ric. Clifford*, Custode privati sigilli nostri, & aliis, dat. per manum nostram apud *West.* xiii. die *Maii*, Anno Regni nostri secundo. Nos autem Concessionem, Libertates, Jurisdictiones, Privilegia, Concordias, & Confirmationes prædicta quatinus dictos Cancellar. Magistros, Scholar. & Universitatem *Oxon.* duntaxat concernunt, rata habentes & gesta, ea pro nobis & Hæredibus nostris (quantum in nobis est) acceptamus, approbamus, & ea dilectis nobis nunc Cancellar. Magistris, & Sclaribus Universitatis prædictæ & eorum Successoribus de gratiâ nostrâ speciali concedimus & confirmamus, prout Cartæ & Literæ prædictæ rationabiliter testantur. Præterea Volentes præfatis nunc Cancellar. Magistris & Sclaribus gratiam in hac parte facere uberiorem, concessimus pro nobis & Hæredibus nostris, & hac cartâ nostrâ confirmavimus eisdem Cancellar. Magistris & Sclaribus, & eorum Successoribus, quòd licet ipsi vel eorum Prædecessores aliquo, vel aliquibus libertatum, quietanciarum, privilegiorum & jurisdictionum in Cartis & Literis prædictis contentorum aliquo casu emergente hætenus plenè usi non fuerint, iidem

iidem tamen Cancellarius, Magistri & Scholares,
 & eorum Successores libertatibus, quietanciis,
 privilegiis, & jurisdictionibus illis & eorum quo-
 libet exnunc plenè gaudeant & utantur imper-
 petuum sine occasione, vel impedimento nostri,
 vel Hæredum nostrorum Justic. Escaetorum,
 Vice-Com. aut aliorum Ballivorum seu Mini-
 strorum nostrorum, vel Hæredum nostrorum
 quorumcunq; Hiis Testibus Venerabilibus Pa-
 tribus *Thomâ*, Archiepiscopo *Cant.* totius Angliæ
 Primæ Consanguineo nostro carissimo,
H. Winton Avunculo nostro carissimo, Cancellar.
 nostro *Thomâ Dunelmensi*, *N. Bathon.* & *Wellen*,
H. Menevensi Episcopis, *Thomâ Arundell*, The-
 saurar. nostro, *Richardo Warwick* Comitibus
 Consanguineis nostris carissimis, *Hen. Fitz-*
Hugh Camerar. nostro, *Tho. Erpingham* Sene-
 schallo Hospitiis nostri militibus, *Johanne Pro-*
phete Custode privati sigilli nostri & aliis. Dat.
 per manum nostram apud *Westm.* vi. die *Dec.*
 Anno Regni nostri primo. O per ipsum Re-
 gem ✠ ex Rotulo Cartarum de anno primo
R. Henr. V. numero primo. In Turri London.

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